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08/30/2003 07:32AM

To: undisclosed-recipients: :  
cc:  
Subject: DCCA PEG Plan Kauai meeting posted in . RealVideo

2003-124

Kauai, Maui and Oahu DCCA Plan meeting now posted in RealVideo.

Carol ~~Bain~~ can be viewed at 15 minutes and 35 seconds,

Ed Coll can be viewed at 32 minutes and 6 seconds.

All the rest are staff, board members and PBS' **same** old plea to keep their illegal percentage of franchise fees. The last testimonial, Robert Riggan, is a Ho'ike (Kauai Access center) staff member, but not disclosed as such.

'Olelo, using your public funds, herded up, provided testimony for, and bused in their public school and non-profit minions to create what now appears to the DCCA Director to be a vocal majority (if they've been successful **in pulling** the **wool** over **his** eyes).

September 5th is the deadline for comments on the PEG plan. If you continue to remain silent the already minimized "vocal minority" will have spoken up for naught. Don't let the future of your PEG access center be constructed by window dressing! Don't let them continue to turn it into a platform for their preferred nonprofits' PSAs for the purpose of rationalizing and facilitating their Executive Directors' deplorably high salaries !

Speak out now, as it may be your last opportunity to preserve YOUR electronic "soapbox".

Please distribute widely !

Mahalo,

jg

<http://hpam.hi.net/dcca/DCCApplanOAHU/>

## O'ahu speakers on DCCA PEG Plan issues

DCCA Director Recktenwald

Bob Rees

Jim Becker

Mike McCartney

Lurline McGregor

Wendy Arbeit

Jeff Garland

Richard Turner

Mike Pecsok

Linda Coble

Sally Lambert

C.C. curdy

Sparky Rodrigues

Caprice Salvadore

William Aila

Lillian Hong

Laurie Veatch

Evern Williams

Kyle Kajihira

Vicky Holt Takamine

Rochelle Gregson

Keali'i Lopez

**Maui Hearing**

**Kauai Hearing**

# DRAFT – FOR COMMENT

## Department of Commerce and Consumer Affairs' ("DCCA") Plan For Public, Education, and Government ("PEG") Access

### Introduction Background

Please keep in mind that this is the second attempt at a Statewide PEG Access Plan. **Here** is the fir

### DCCA PEG Plan meetings in RealVideo

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<u>ISSUE #2: Governance - PEG Board Appointment Process</u>	<p>Option 1: Appoint members to the <b>CAC</b></p> <p>Option 2: Introduce legislation to eliminate the CAC</p> <p>Option 3: Introduce legislation to am composition of the <b>CAC</b></p> <p>Option 1: Continue with the current financial structure</p> <p>Option 2: Should franchise fees be redistributed among the Counties?</p>	a
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**ISSUE#11: Daily operational procedures – responsibility of each PEG**

**ISSUE#12: Development of technical standards**

**ISSUE#13: Review of connectivity (PEG Network) currently provided by TWE**

**ISSUE#14: Programming (CSPAN for Hawaii)**

**ISSUE#15: Resolution of complaints concerning PEGS**

**ISSUE#16: Role of PEGS : Production versus Facilitation**

**Department of Commerce and Consumer Affairs' ("DCCA") Plan  
For Public, Education, and Government ("PEG") Access**

**The DCCA is currently evaluating issues relating to PEG access in Hawaii. The goal**

to develop a statewide cable access plan which will set forth the State's policies toward PEG access. That plan will guide the development and enhancement of services provided by PEG Access Organizations.

This document is intended to initiate a public discussion concerning the State's current policies towards PEG access, and possible changes in those policies. It identifies the State's policies and practices regarding significant issues in PEG access, and identifies some possible alternatives for change which have been suggested by various parties in recent years. However, the list of issues and options is by no means final, and DCCA welcomes the public's input on what other issues and options should be considered as DCCA develops the plan.

DCCA is making this document available for public comment. The public is welcome to comment specifically on the issues identified in this document, or more generally on their

views concerning PEG access in Hawaii. The public can comment in writing, by email or at public forums. These forums will be scheduled in each county and will be an opportunity to provide input to the DCCA in finalizing its plan.

Email comments should be addressed to [cabletv@dcca.hawaii.gov](mailto:cabletv@dcca.hawaii.gov). Written comment, should be addressed to:

Cable Television Division  
Department of Commerce and Consumer Affairs  
State of Hawaii  
1010 Richards Street, 2nd Floor  
Honolulu, Hawaii 96813  
(808) 586-2620

Once this document has been circulated and public comments reviewed, DCCA will finalize the plan and make it available for general distribution.

## Background

The regulation of the cable television ("tv") industry is based on federal laws which allow local regulation by a local franchising authority ("LFA"). The DCCA was designated by the Hawaii State Legislature as the LFA for the State of Hawaii.

PEG access was started through the collaboration of the DCCA, the cable tv operator and the four Counties. A PEG access organization was established in each County as private, non-profit 501(C)(3) corporation to serve the unique requirements of that

County.

Following are the PEG corporations:

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Hawaii Na Leo 'OHawaii, Inc. ("Na Leo")

Kauai Hoi'ke - Kauai Community Television, Inc. ("Hoike")

Maui Akaku - Maui County Community Television, Inc. ("Akaku")

Oahu Olelo - The Corporation for Community Television ("Olelo")

Each of these access organizations is funded by fees which are collected by the cable operator from its subscribers. Federal law states that ~~an~~ LFA can assess up to **5%** of the cable ~~tv~~ operator's gross revenues for purposes of these franchise fees. For example, if a subscriber's monthly invoice for cable service totals \$100.00, the franchise fee assessed for that subscriber cannot exceed \$5.00. The recipients of these fees include the four PEG access organizations, the DCCA and the Hawaii Public Television Foundation ("**HPTF**"). The HPTF is better known to many as KHET Public Television.

The current distribution of franchise fees collected in each County is:

**3%** To the PEG access organization for the specific County where fees are collected

**1%** To the Hawaii Public Television Foundation (Public Television - PBS)

**.64%** To the DCCA to support the administration of the program

Note: DCCA receives 1% of standard service revenues, not gross revenues.

1% of standard service revenues are approximately **.64%** of gross revenues.

In addition to operating funds collected from cable subscribers, the cable operator also makes capital fund payments to the PEGs for the purchase of items including equipment, furniture and fixtures. These payments are not a part of the franchise fee cap of **5%**, and are not directly assessed to subscribers on their invoices. The capital fund payment amounts are the result of negotiations that involve the DCCA and cable operator with input from the PEGs. At certain designated dates within the franchise period, the PEG are requested to work with the cable operator to develop a capital payment plan that is then submitted to the DCCA for consideration.

The PEG access organizations also receive channel capacity on the cable tv operators' systems. All four PEGs have been authorized the use of five (**5**) channels ;to date, only 'Olelo on the island of ~~Oahu~~ has all 5 channels cablecasting programming on a full time basis. Additional channels can be requested by the PEGs, with supporting documentation.

These requests will be reviewed by the DCCA who will then enter into discussions with the cable operator. Based on the results of this review process, DCCA will then make decision on the request for additional channel(s). The review criteria include items such

as current use of channels in production, percentage of first time versus re-run programming, channel utilization by local producers, and other factors related to channel demand.

Note: On Oahu, 'Olelo has entered into a contract with the Hawaii Educational Network Consortium ('HENC') to be its Education Program Manager. HENC is a consortium comprised of representatives from accredited educational institutions within Hawaii including public and private lower and higher education schools such as the University of Hawaii, Department of Education, and Hawaii Association of Independent Schools.

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'Olelo allocates twenty-five percent (25%) of its revenues from franchise fees to HENC to fund educational programs and services that are primarily cablecast on two of 'Olelo channels.

### **ISSUE #1: Expanded Role for Counties in Cable Regulation**

Currently, the State of Hawaii through the DCCA performs the regulatory functions pertaining to the cable television industry in Hawaii. Major activities include basic service tier rate regulation, franchise applications / renewals / transfers, resolution of customer service complaints, appointment of PEG boards, negotiation of operating agreement with PEGS, and the expansion and functional improvements of the Institutional Network ("INET"). The DCCA also participates in matters indirectly related to cable television, such as advocating for the interests of Hawaii consumers with regard to Direct Broadcast Satellite ("DBS"). The DBS industry is regulated on the federal level by the FCC and is not regulated on the State or Local level.

It should be noted that Hawaii is one of a very few States that has franchising authority at the State level. On the mainland, regulation of the cable industry most often resides at the city, county or municipal level. In certain states, a cable operator may interface with scores of LFAs.

A key threshold question is whether, and to what extent, the State should be responsible for PEG access matters and cable TV regulation.

### **Regulatory Framework Options:**

#### **Option 1: Continue with current framework**

## Option 2: Expand the Counties' Role

This option could range from providing an increased role for the Counties at the State level, to a total transfer of the regulation of the cable television industry from the State to each County government.

One approach would be to establish a greater role for the Counties, while retaining some duties for the State. The possibilities include one or more of the following:

***Partial Shift of Franchising Authority:*** The Counties could take the lead in negotiating the specific terms and conditions of franchises in their county, while the State would retain the right to review and approve the final product. This would give Counties the ability to shape the agreements to suit their unique needs, while allowing the State to ensure that statewide interests (such as access to the INET) are adequately protected.

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***PEG activities:*** Each County could be responsible for the activities of its PEG access organization. For example, the Counties could be responsible for selection of board members, negotiation of contracts with the PEGS, and/or facilitating the resolution of complaints.

In addition, a planning entity, composed of members from each County, could be organized to develop and implement strategies to continue the collaboration between these independent PEG organizations.

***Cable Advisory Committee (CAC):*** The Counties could have a greater role in cable governance

at the State level through representation on the DCCA's cable advisory committee. Issues concerning the committee are discussed in more detail below.

Another approach would be a total transfer of duties and responsibilities of the DCCP as the local franchising authority, via amendment of State laws, to each County. Thus, each County would be empowered to determine the appropriate assessment and distribution of franchise fees within the County, would negotiate directly with cable operators on the terms and conditions of their franchise agreements, and would establish their own policies on PEG access issues. In summary, each County would be able to determine what policies were best for that County, and complaints or concerns about cable service or PEG access would be resolved at the County level.

As noted above, the DCCA's regulation of the cable industry is currently supported by a portion of the franchise fee. To the extent functions currently performed by the DCCA are transferred to the counties, funding could be re-allocated from the DCCA to the counties to support those functions.

**Click here to read and submit comments on ISSUE #1.**



## **ISSUE #2: Governance - PEG Board Appointment Process**

Currently, members of the PEG board of directors are appointed by the Director of the DCCA and by the cable operator for each County. The number of board members for each PEG entity differs, reflecting the unique needs and wishes of each board.

County	PEG Entity	DCCA Appointed	Operator Appointed	Total
Hawaii	NaLeo	11	1	12
Honolulu	‘Olelo	6	3	9
Kauai	Ho’ike	7	2	9
Maui	Akaku	14	1	15

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The DCCA acknowledges the autonomy and decision making authority of each PEG board of directors, and accordingly does not involve itself in the daily operational and financial management of the access organization. Each PEG board is responsible for all financial and operational management matters, including the resolution of complaints from its producers and stakeholders. The DCCA and each PEG organization have a contract currently in force that is automatically renewed annually unless terminated or modified.

nomination process  
received, selection of  
DCCA or cable operator for

(“OIP”) stated that the DCCA’s

Uniform Information Practices Act (“UIPA”) purposes. Some observers believe that this opinion has jeopardized the private, non-profit status of PEG access organizations and have argued vigorously for the board appointment process to be amended by removing the DCCA’s appointment authority.

The issue of governance, specifically the appointment of board directors, has been a much debated topic over the past few years. One argument in favor of continued DCCA

result of orders  
ordered by the DCCA to

expenditure of

these funds. The current board appointment process provides the DCCA with some amount of oversight, both through the selection of directors and through the power of removing directors. Proponents of change argue that the DCCA retains adequate oversight through the annual reporting and contract renewal process. They believe that the DCCA has adequate oversight by the fact that the contract can be renegotiated or renewed.

#### Possible Governance Options:

There are a number of possible options, some of which are identified here. The option could be combined, i.e., board members could be selected by several different means. One key question is whether different approaches should be allowed in each of the different counties, or whether there should be uniformity across the State.

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**Option 1:** Continue with current appointments by the DCCA and cable operator

**Option 2:** Self appointment by the PEG Boards

This will provide the board of each PEG access organization with autonomy in the recruiting, selection and appointment of its board members. The current board of directors for each access organization will be responsible for the appointment of future board members. Public notice of vacancies and a published nomination process will be required. In this scenario, the DCCA could also be represented on each board in an ex officio role.

**Option 3:** Appointments by Various Entities

This option would provide for appointment of board members by entities or individuals other than the DCCA, or the cable operator, such as the Mayor of each county, county councils, or the Legislature. This may provide more diverse representation.

**Option 4:** Election by PEG constituents

This will provide the constituents of PEG access organizations with the ability to participate in the selection and appointment of board members. Constituents could include viewers, cable subscribers, producers or other interested parties. Candidates for vacancies could be identified by a nomination committee or by interested candidates simply submitting an application or letter of interest. An election, conducted by the access organization, would then be held to determine the new board member. The election process ( mail- in ballots, electronic: email, internet ) would be left to each access organization.

### **Option 5: Establishment of a Mechanism for Public and Producer Input**

Some PEGs have established a process that allows public and producer input into their policy formulation and decision making. This can foster an atmosphere of open participation that allows various viewpoints to be considered by the PEG board of directors as part of their decision making process.

Should the DCCA require the establishment of a process by each PEG that will allow public and producer input into matters being considered by the boards of directors, and if so, what form should that process take?

**Click here to read and submit comments on ISSUE #2.**

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### **ISSUE #3: Cable Advisory Committee**

The Cable Advisory Committee (“**CAC**”) is intended to advise the Director and cable operators, upon request, with cable television related matters. The committee is comprised of five (**5**) members who are appointed by the Governor and serve without pay

and the last member's term expired in **1996**. No replacement members have been named since then. It appears that the prior Administration believed that the **CAC** had been established to provide guidance during the formative years of cable regulation, and that it had outlived that role.

#### **Cable Advisory Committee Options:**

##### **Option 1: Appoint members to the CAC**

Under this option, the Governor would appoint five members to the CAC. Current law does not specify residency or other requirements for membership. However, the Governor could select representatives from each of the four counties.

##### **Option 2: Introduce legislation to eliminate the CAC**

Such legislation would be appropriate if the CAC has outlived its usefulness.

##### **Option 3: Introduce legislation to amend composition of the CAC**

Increase the size of the CAC so that more points of view can be represented, or otherwise modify the structure and / or role of the CAC.

Click here to read and submit comments on **ISSUE #3**.

### **ISSUE #4: Financial Resources**

As stated previously, franchise fee assessments are consistent statewide, except for an agreed upon limitation that is in place for 'Olelo on Oahu. 'Olelo is subject to a \$3.7M cap that may increase annually based on the Consumer Price Index ("CPI"). This calculated cap amount is compared against the actual 3% calculation, and the lower amount is remitted to 'Olelo.

As stated previously, the distribution of franchise fees collected are as follows:

1) 3% of gross revenues to the PEG access organization for the specific County where fees are collected

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2) 1% of gross revenues to the Hawaii Public Television Foundation (Public Television PBS)

3) 1% of standard service revenues to the DCCA

Note: Approximately 0.64% of gross revenues

Due to the differences in population as well as differences in cable services purchased by subscribers, franchise fees vary widely among the four counties. Under current DCCA policy, the fees collected in each County remain in that County. Fees collected for each PEG access organization in 2002 are:

Hawaii	\$547,243.00
Kauai	\$270,569.00
Maui	\$608,510.00
Oahu	\$3,387,288.00

#### Financial Resources Options:

**Option 1:** Continue with the current financial structure

## Option 2: Should franchise fees be redistributed among the Counties?

Currently, franchise fees for PEG access collected in a particular County remain there for the benefit of its residents. Some observers have suggested that there should be some mechanism to redistribute franchise fees so that neighbor islands receive a larger percentage of the statewide total. They suggest that absent such redistribution, some areas of the neighbor islands are not able to receive even a minimal “baseline” of ~~amt~~ services.

One possible approach would be to redistribute any fees assessed in excess of a certain amount on Oahu. That amount could be the \$3.7 million cap that is already in place for ‘Olelo, or it could be some other amount. A formula or some other process to allocate these funds would need to be implemented to ensure fairness in distribution.

**Click [here](#) to read and submit comments on ISSUE #4.**

## ISSUE #5: PEG Channel Resource

Currently, all PEGs have access to five (5) channels on the cable operator’s cable systems in each County. Only ‘Olelo on Oahu has activated ~~and~~ is cablecasting programming on all five channels.

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The availability of consistent channel capacity has allowed statewide cablecasting capabilities for the State Legislature, University of Hawaii and the Department of Education. By designating 2 channels for “E” purposes, both the UH and DOE are now able to develop and implement instructional curriculum that can be utilized by campuses on all islands. They are also able to take advantage of teaching resources residing on particular island to reach students statewide. This results in leveraging not only personnel resources for statewide benefit, but also consistency in curriculum. For example, a Calculus instructor on Maui will be able to reach students on all islands, increasing quality of curriculum. On Oahu, ‘Olelo has reached an agreement with the Hawaii Educational Networking Consortium (“HENC”) to manage and program ‘Olelo’s

two (2) “E” channels dedicated to the UH and DOE. HENC is composed of members representing the UH, DOE, East West Center (“EWC”) and the Hawaii Association of Independent Schools (“HAIS”).

Statewide broadcast capability from the State Legislature has recently been improved having broadcast feeds sent directly to the UH for statewide carriage on UH’s HITS microwave network. This will result in more efficient transmission of live legislative broadcasts to the neighbor islands. In addition to broadcasts from the State Legislature each PEG access organization has the resources to implement live broadcasts from the respective City/County councils and executive branch. At this time, not all PEGs have elected to implement live County government broadcasts.

PEGs can request additional channel capacity beyond the current allocation of five (5) channels. Requests for additional channel(s) must be accompanied with documented justification including, but not limited to, the following information: Statistical data illustrating the use of existing channels, types of programming being cablecast on each channel, statistics on channel programming that is first run versus re-run, percentage of first run programming versus re-run programming, and percentage of time used for “bulletin board”.

**[Click here to read and submit comments on ISSUE #5.](#)**

## **ISSUE #6: Sustainability**

The issue of sustainability can be summarized by this question:  
“What would happen to each PEG organization if funding from franchise fees suddenly decreased significantly or disappeared completely?”

The question was first posed by the DCCA a few years ago as a discussion mechanism. The major item that prompted DCCA’s request for plans of self sufficiency was the evolution of technologies that compete with cable tv. At first, wireless cable companies were the primary competition but lacked the market share to significantly impact the cable tv operators. Currently, there is a technology that may present true competition cable tv, without cable’s regulatory requirements: Direct Broadcast Satellite (“DBS”) The DBS industry is represented by two major vendors, DirecTV and Echostar (Dish

Network). If these service providers continue to gain market share, at the expense of

cable tv companies, revenues to all beneficiaries of franchise fees will decrease. In addition to competitive technologies, there is also the potential of an evolving cable tv industry. If cable tv companies provided their services through the use of new or innovative technologies, such as Wireless Fidelity (“WI-FI”), would they still be held to requirements such as franchise fees? The development of new delivery systems and technologies will be a significant consideration in future regulatory policy.

The second item that affects sustainability relates to regulatory issues facing telecommunications/ entertainment companies and the services they provide. For example, the FCC has recently determined that cable modem service (Oceanic’s Roadrunner) is an information service, not a cable service. Many jurisdictions, **including** the State, have questioned this opinion, which currently is being reviewed by the FCC and also being litigated in federal court. The cable modem issue illustrates the uncertainty in this area, i.e., that services currently assessed with franchise fees **may not** be assessed in the future. This uncertainty relating to designation of type of service **and** the applicability of franchise fees also holds true for services being developed **and not yet**

an information service or a cable service.

Given this uncertainty, how will PEGs continue providing current services while planning for additional, enhanced benefits? Should they seek other sources of revenues, and if so, what sources are appropriate? Should DCCA actively encourage and / or require PEGs to seek other sources of revenue, or should it be left to the discretion of the PEG entities?

### **Sustainability Options:**

#### **Option 1: Seek funding from other sources**

In order to minimize dependence on cable tv related franchise fees and to increase available funding, should PEG access organizations pursue other sources of funding through various methods such as solicitation of grants, private – public joint ventures and traditional fundraising activities?

#### **Option 2: Identify acceptable “for profit” activities as part of PEG mission**

Although PEG programming is non-commercial in nature, should PEG organizations have the discretion to pursue certain “for-profit” activities, and if so, what activities would be acceptable?

**[Click here to read and submit comments on ISSUE #6.](#)**

## **ISSUE #7: Greater Community Participation**

One of the primary goals of all PEG access organizations today is the extension of their services to all areas of their communities. This involves addressing the issue of physical access to the existing PEG facility i.e., how to provide services to residents who may not have easy access to resources either because of geography or other factors. The DCCA gives each PEG access organization discretion to select appropriate means to attain these goals. Following are services currently being provided by some or all of the PEGs:

***Remote Access Centers:*** Currently, some of the PEGs are considering or have implemented remote facilities to address the concern of accessibility to PEG resources. On Oahu for example, 'Olelo has implemented remote sites in **Kahuku** and Waianae. Although these are not fully equivalent to 'Olelo's main facility in Honolulu, they do provide easier access for residents in the Leeward and North Shore communities of Oahu.

**Mobile Facilities:** Equipping a mobile van with production capabilities is also being considered to address the needs for more outreach to remote geographic areas. This option provides tremendous opportunities for greater outreach.

***Alternate Sites:*** It has been suggested that the PEGs explore working relationships with existing institutions that could extend the reach of their services. This could include collocating with an existing non-profit corporation whose operations could be complimentary. By creating such alliances, the public will gain added access to PEG services while the PEGs will benefit by incurring lower outreach costs due to collocation agreements.

***Facilitated Production:*** PEGs currently provide the public with the option of creating programming without becoming a certified producer. Such easy access services include staff supported "open mike" sessions as well as volunteer supported facilitated productions. These types of assisted services greatly expand and enhance the impact of PEG resources to their communities.

***Equipment and Staffing:*** Regardless of the alternatives implemented, whether remote, mobile or collocated, the effectiveness of these options will be determined by their ability

to deliver acceptable service levels to the end-user. Certain minimum equipment requirements have to be addressed including cameras, editing equipment and consistent programming formats, such as DVD, etc. More important to the success of this outreach initiative is the support provided by the PEG access organization that would accompany these possible alternatives. It is critical to the success of this effort that client/user support is readily available to assist wherever these alternatives are implemented.



**Click here to read and submit comments on ISSUE #7.**

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## **ISSUE #8: Cooperation and Collaboration Among PEG Organizations**

is planned to be retired. This will provide the opportunity for another PEG to request the equipment instead of it being discarded or donated. A documented process needs to be implemented in order for there to be mutual agreement and understanding on the operational logistics. This will ensure an open and fair process. In addition to retired equipment, cooperative purchasing and sharing of equipment is encouraged. This may reduce overall costs for unique pieces of equipment that may be more practically purchased by all four PEGs with an understanding regarding its shared use.

***Personnel Resources:*** The DCCA encourages PEGs to share technical / support resources.

This may simply be regularly scheduled “roundtables” where staff from each PEG meets to share ideas, experiences, etc. Or it can be structured instructional sessions where a trained resource presents a certain topic. These sessions will not only increase the expertise available in each PEG access center, but it will also further enhance the sense of community among the PEGs themselves.

***Programming Resources:*** The DCCA supports the current agreement between the PEGs to share programming developed in their respective communities when it is appropriate.

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ogies

## **ISSUE #9: PEG By-laws**

Although the by-laws of the PEG organizations are similar in nature and content, there are some differences which reflect the unique requirements and needs of each access entity. For example, the number of board members varies due to the requirements of each board. Certain boards prefer a greater number of members, and have increased their board size, while others have retained the same number since the original formation of the organization. The DCCA is sensitive to the unique needs that may face each PEG access organization and will work with them to address their specific requirements while still maintaining certain overall consistency.

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The DCCA expects each PEG access organization to comply with their by-laws to remove the potential for complaints and inconsistent operations. Specifically, the DCCA is concerned with the process by which its board meetings are conducted and strongly encourages the adoption and implementation of procedural rules, such as Roberts Rules of Order. Adoption and adherence to such rules will facilitate more productive, fair, and efficient meetings.

Click [here](#) to read and submit comments on **ISSUE #9**.

### **ISSUE #10: Chapter 92F / Uniform Information Practices Act (OIP opinion dated 09-06-02) : Openness to the Public Records**

All PEGs state that they comply with HRS Chapter 92F UIPA. The Office of Information Practices determined in its opinion dated September 6, 2002 that Hoike and 'Olelo are subject to and must abide by the UIPA.

#### **Chapter 92F UIPA Options:**

**Option 1:** Legislative modifications to amend requirements

Some of the Chapter 92F requirements may be unduly burdensome and / or costly for non-profit entities such as the PEGs to comply with. Legislation could be proposed which would streamline these requirements as applied to the PEGs while still ensuring openness on the part of the PEGs.

Click [here](#) to read and submit comments on **ISSUE #10**.

### **ISSUE #11: Daily operational procedures – responsibility of each PEG**

Although the DCCA recognizes the unique needs of all four PEG access organizations strongly encourages the implementation of daily operational guidelines that address certain significant issues. For example, the daily operational procedures **for** all PEGs should include hours of operation. The DCCA is not implying that all PEGs keep the same hours, only that the hours of operation are included. By developing a consistent set of operational guidelines, it eases the transition for producers or constituents who may have the opportunity to utilize PEG facilities in more than one County. Other potential items could include:

- Frequency of scheduling for first time programming vs re-runs
- Sign-out **and** use of equipment
- Content disclaimer
- Rules governing political or campaign programming

Click [here](#) to read and submit comments on **ISSUE #11**.

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### **ISSUE #12: Development of technical standards**

The DCCA encourages the development of technical standards among the PEGs that will result in certain baseline consistency among them. The creation of certain technical standards will result in the following benefits:

- Similarly trained staff
- Cross support between organizations
- Additional resources during disasters and emergencies
- Potential purchasing benefits such as volume procurement

Click [here](#) to read and submit comments on **ISSUE #12**.

### **ISSUE #13: Review of connectivity (PEG Network) currently provided by TWE**

The DCCA is currently working with Oceanic Time Warner Cable to review the interconnections that make up the PEG Network in all Counties. The PEG Network is the means by which all PEG programming is sent to and received by the cable operator's headend facility in each County. Once the PEG programming is received at the cable operator's facility, it is then inserted into the channel program lineup and distributed to subscribers along with other programming.

The following interconnections comprise the PEG Network:

- PEG access organization to the cable operator's headend facility
- UH and DOE to PEG organization, or directly to cable operator's headend facility
- County government to PEG organization, or directly to cable operator's headend facility

In most of the counties, the programming from the UH, DOE and government are consolidated at the PEG facility then sent on to the cable operator's facility. Although this has been historically done, the DCCA will consider other options acknowledging

there may be costs that would need to be addressed by the requesting entities.

**Click [here](#) to read and submit comments on ISSUE #13.**

### **ISSUE #14: Programming (CSPAN for Hawaii)**

Some members of the community have identified a need for more civic affairs programming including State and County legislative, executive and judicial proceedings, as well as community based activities such as neighborhood board meetings.

The goal is to provide statewide distribution of civic / public affairs television programming as a means to encourage democratic participation and public interest through cablecasting. This endeavor will require the commitment and cooperation of many organizations including coordination of their resources.

There are many alternative approaches to accomplish these objectives, such as the expansion and enhancement of "G" programming currently provided by each of the four PEG access organizations. Another option which has been suggested is the creation of a separate, independent non-profit entity which would produce and distribute public affairs programming in Hawaii, similar to what CSPAN does on a national level. This non-profit

would be responsible for managing the creation and distribution of public affairs programming on a statewide basis. A source or sources of financial support would need to be identified. Also, there are issues concerning channel capacity which would need to be addressed.

**Click [here](#) to read and submit comments on ISSUE #14.**

### **ISSUE #15: Resolution of complaints concerning PEGs**

The DCCA recognizes the private, non-profit status of the PEG organizations, and accordingly relies on the PEG's board of directors, officers and employees to be responsible for overall client satisfaction, including the satisfactory resolution of complaints received regarding its operations and management.

However, situations have arisen where the DCCA's involvement is required to assist in the resolution of inquiries and complaints received from PEG producers or other constituents. In these instances, the DCCA will attempt to facilitate a reasonable solution / compromise that address the concerns raised while also respecting the policy and decision making of the PEG's board of directors. To accomplish this objective, DCCA will relay complaints to the PEGs and request a copy of the responses to those complaints.

The appropriate resolution of complaints by the PEGs is a factor taken into account by the DCCA in evaluating the performance of each PEG.

**Click [here](#) to read and submit comments on ISSUE #15.**

### **ISSUE #16: Role of PEGs : Production versus Facilitation**

As the needs of their clients have evolved, PEG access organizations have reviewed and assessed how they can continue to serve their unique communities. In addition to their mission of training, developing production skills, and providing a forum for exchange of ideas, PEG access organizations have also been involved in activities that some have

deemed non-traditional. Examples include: (1) responding to local government RFPs for video and captioning services which results in competition with private organizations, and (2) the development of programming utilizing the organization's resources, which could result in decreased availability of equipment or other resources (such as air time) to

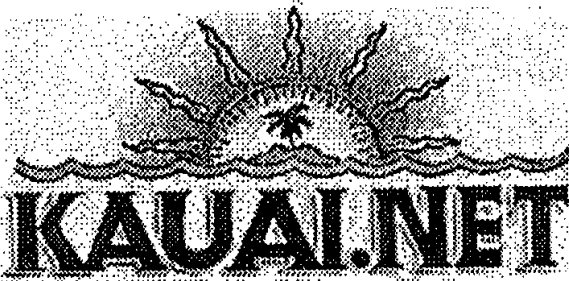
the public users of these access facilities. The development of such programming is sometimes referred to as "community building".

- 15 -

The DCCA has given the **PEGS** discretion to determine whether, and to what extent, they should engage in such activities. Should DCCA continue to allow them discretion to undertake such activities, and if so, should there be any limits on that discretion?

**Click [here](#) to read and submit comments on ISSUE #16.**

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### ISSUE #1 Expanded Role for Counties in Cable Regulation



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Author	Message
Comment on draft PEG Plan Regular 	Posted: Fri Jul 18, 2003 5:35 pm Post subject: ISSUE #1: Expanded Role for Counties in Cable Regulation 

#### ISSUE #1: Expanded Role for Counties in Cable Regulation (click here to review ISSUE #1)

##### HOW TO COMMENT

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-  press the **POST REPLY** button (above left), type your comment and press **SUBMIT** button. To send your comment directly to DCCA cut, paste and email your comment to: [mailto:cabletv@dcca.hawaii.gov](mailto:mailto:cabletv@dcca.hawaii.gov)

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Edited Coll  
Hyper Active  
1 1 1 1 1



Posted: Fri Jul 18, 2003 6:59 pm Post subject: Re: Is allocation in Addition? 

##### DCCA wrote:

'Olelo allocates twenty-five percent (25%) of its revenues from franchise fees to HENC to Fund educational programs and services that are primarily cablecast on two of 'Olelo channels.

Joined: 04 Jul 2002  
 Posts: 208  
 Location: Here Now

Is this 25% allocation in addition to other allocations and services provided to public and private upper and lower educational users?

Ed Coil - Asking questions is a human right!

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Guest

Posted: Mon Jul 21, 2003 6:49 pm Post subject: ISSUE #1: Expanded Role for Counties In Cable Regulation

[qu](#) [to](#)

To answer your question about the 25%, I first must correct the author of the draft, the conflicted cable regulator Clyde Sonobe, by stating that 'Olelo does not allocate the **25%** because it is mandated in Decision and Order (**D&O**) 261 !! And yes, this is in addition to other allocations and services provided to public and private upper and lower educational users. Hawai'i Association of Independent Schools gets funds from the 25% to do a show and the producer of the shows uses 'Olelo's Facilities. Also on top of the 25% 'Olelo provides playback supervision and a relay of the educational channels as well as having 2 satellite centers at Kahuku & Waianae High Schools that are used for course curriculums during school hours 'Olelo also supposedly provides old equipment "as grants" to the schools. None of these extras are counted as part of the E budget of P, E, & G and has long been a point of contention, and in spite of that has yet to be properly addressed.

Now on to my comments on to the topic of "Expanded Role for Counties in Cable Regulation". I will simply say that I believe all counties should have a say in the regulation of the cable company doing business and collecting fees on their island(s). I don't feel it is fair for a bureaucrat in an office on Oahu to make all the decisions for communities many miles across the ocean, especially when more than 20% of the funds from neighbor Islands now come back to be spent on Oahu. Perhaps the state can deal with the monopoly company for collection purposes, but the counties should be in charge of fund distribution.

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Carol Baln  
 Hyper Active  
 1 1 1 1 1



Joined: 05 Jul 2002  
 Posts: 57

Posted: Mon Jul 21, 2003 8:01 pm Post subject: County role in PEG

[qu](#) [to](#)

It seems clear the state is not comfortable in the role of regulating PEG...at least for neighbor islands. The DCCA Director rarely knows who s/he is appointing.

The state created the mess by insisting on controlling the \$ and boards. Now they want the Counties to take the unwanted, undisciplined child.

I would like to see what the Counties think of the idea. The Counties should certainly not take over until a full state audit is performed.

I just want accountability and oversight...the current PEG board on Kauai is an elite group, with a closed nomination process and now only meets quarterly. They do not follow HRS-92F UIPA or seem to understand the law. The board actions do not support "sunshine" HRS92. The public, no matter how meek or quiet, is made




to feel unwelcome. ☹

**I**f County regulation would support accountability and openness, with an entire ~~new~~ board or commission chosen in open nominations and public process, then **I** am for it.

---

Carol Bain

"Freedom of the press **is** the staff of life for any vital democracy." quote by Wendell Willkie


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**Ed Coil**  
Hyper Active



Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

 Posted: Fri Aug 15, 2003 10:27 am    Post subject: Let the State Library system run PEG Access 

Aloha Mark,

Mahalo for the well run meeting on Kauai. It certainly was a refreshing change from how previous meetings were run. **I** have cc'd this email to some media outlets and State legislators as well as posted it on the Kauai Net Comment on DCCA draft PEG Plan forums at:

<http://kauai.net/phpBB2/viewforum.php?f=63&sid=4a95272cf0165fd0824a5eb6d5845685>

...but **I** wanted to specifically bring this idea to your attention as it may be an simple yet elegant solution which solves at pleathora of problems currently plaguing PEG access organizations and the public they serve.

## Let the State Library system run PEG Access ! ! !

This solution has not been considered in the current draft plan. **I** believe it deserves serious consideration.

Here are some points favoring this plan;

- ➡ State Libraries while a government agency have a long history of defending and promoting free speech dating back to the founding of our country.
- ➡ Libraries already promote literacy and teach information retrieval.
- ➡ Funding and expanding their mission to promote media literacy and teach production techniques is a logical extension of their mission.

➡ **PEG** revenues could be distributed more equitably throughout the state with

funding specifically earmarked for **PEG** uses including technical and training staff

➡ Librarians are content to do their jobs to complete their mission. They check

out books but do not insist upon writing their own. Thus the unhealthy tendency (apparent in the current **PEG** Access organizations) to become a for

profit production company is diminished.

➡ Libraries do not try to subvert their mission of promoting literacy, checking

out books, and information retrievals training by engaging in, "program production, or community building" as has been seen in the presumptuous access

organization boards and their state funded employees.

➡ The state has not required their libraries to submit a self sufficiency plan as was requested from the access organizations.

➡ Libraries serve undifferentiated members of the public (people) and not corporations (neither "non-profit" nor for-profit). This avoids the well documented Favoritism to special interests by **PEGS**.

**➡As State agencies libraries are already subject to state audits, Sunshine and Open Records Laws. 😊😊😊**

Libraries performing this type of service is not novel nor new. I saw this type of system work effectively in the 1970's at Evergreen State University in Olympia Washington. The University library would training students, allowed them check out port-a-pack video recorders, and provide editing equipment to produce

programs.

I would appreciate your opinion regarding this suggestion.

Ed Coil

Ed Coil - Asking questions is a human right!

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**I Rob Reef**

**Regular**



Joined: 08 Sep 2002

Posts: 10

Location: Honolulu, HI

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Posted: Fri Aug 15, 2003 10:44 am Post subject: Excellent Idea

[quote](#)

Conan the Librarian!: Ben Franklin would be proud ☺

Rob Reef

[profile](#) [pm](#)

**I Nendy Arbelt**

**Prolific**



Joined: 17 Aug 2003

Posts: 22

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Posted: Sun Aug 17, 2003 12:30 pm Post subject: DCCA's not doing its job as regulator of cable complaints

[quote](#)

"Currently, the State of Hawaii through the DCCA performs the regulatory functions pertaining to the cable television industry in Hawaii. Major activities include ... resolution of customer service complaints"

My understanding is that DCCA has not been adequately monitoring these complaints. For one thing it just turns them over to Oceanic, then hopes for the best (maybe). For another Oceanic has reported that it has received hundreds in the same period that DCCA CAW has acknowledged only a few. Since CAW makes no attempt to merge these complaints it remains intentionally ignorant of the complete scope of customer service complaints and their resolution.

The same can be said of complaints about access organizations.

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**I Wendy Arbelt**

**Prolific**



Joined: 17 Aug 2003

Posts: 22

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Posted: Sun Aug 17, 2003 12:35 pm Post subject: CAC

[quote](#)

"Cable Advisory Committee (CAC): The Counties could have a greater role in cable governance at the State level through representation on the DCCA's cable advisory committee."

This is a good idea, however, despite being mandated by law, the "DCCA's cable advisory committee" does not currently exist (except on paper) as the governor (neither this one nor the last) has not chosen any members.

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Ed Coil  
Hyper Active



Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

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digitaleye  
Prolific



Joined: 19 Jul 2003  
posts: 28

Posted: Mon Aug 25, 2003 10:43 am Post subject: The County of Kauai shows no Interest at all

Sadly not one county official was present at the Kauai Public Hearing by DCCA or offered any opinion on the County of Kauai's role in PEG. While Local control **seems** like a good idea if there is no interest at all isn't the issue moot. Perhaps the **fact** that this is an Issue at all reflects DCCA's desire to pass the hot potato of **oversight** to the Counties while they still control the funding ☹

Ed Coil - Asking questions is a human right!

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Posted: Sun Aug 31, 2003 8:19 am Post subject: **ISSUE #1: Expanded Role For Counties In Cable Regulation**

Option 1: Continue with current framework Absolutely out of the question !

Option 2: Expand the Counties' Role

I feel the counties' roles should be expanded to allow them to make decisions **on** how their local infrastructure is to be setup. They should also have a say in the distribution of franchise funds. Now that OceanicTime Warner Cable has a monopoly in the state, the state should make sure that ail mandated fees are paid and verify provisions for the institutional networks are provided by the cable company at no cost to subscribers, counties, and/or the state.

I don't feel it is fair for a bureaucrat In an office **on** Oahu to make all the decisions for communities many miles across the ocean, especially when more than 20% of the funds from neighbor islands now come back to be spent on Oahu.

Perhaps the state can deal with the monopoly company for collection purposes and the cable franchise authority **on** each neighbor island can deal with the cable company regarding complaints. DCCA has reported as little as 3 complaints **on** average per year in the past. **If** that is all the complaints that have actually been filed with the Cable Television division, then it begs the question what have they been doing with their budget of over \$800,000.00 per year.

Perhaps with a franchise authority on each island, with a published toll free number, more complaints would be received and followed up on. This would obviously provide more accountability to the local community.

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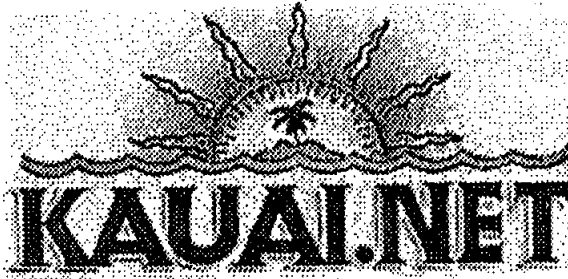
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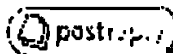
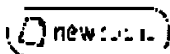


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### ISSUE #2: Governance - PEG Board Appointment Process



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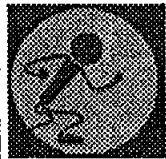
Author

Message

**Comment on draft PEG Plan** ☐ Posted: Fri Jul 18, 2003 5:33 pm Post subject: **ISSUE #2: Governance - PEG Board Appointment Process** [quote](#)

P  
R

1-1



Joined: 18 Jul 2003  
Posts: 19

#### ISSUE #2: Governance - PEG Board Appointment Process (Click here to review - **ISSUE #2**)

##### HOW TO COMMENT

- Read other people's comments (below)
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**ild Coil**  
Hyper Active



☐ Posted: Fri Jul 18, 2003 6:33 pm Post subject: **Appoint our board for us please!** [quote](#)

Upon what basis does DCCA make the assertion that the differing number of board members reflect the unique wishes of each board rather than DCCA which appointed the majority of the board members? It seems odd that all four access organization boards that claim to be private 501-c (3) non-profit corporations that are exempt from state Sunshine Law, would insist that the DCCA (a government

Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

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**digitaleye**  
Prolific

||||1



Joined: 19 Jul 2003  
Posts: 28

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**CarolBain**  
Hyper Active

|||||



Joined: 05 Jul 2002  
Posts: 57

agency) appoint the majority of the access organizations board rather than prefer to appoint their own successors, or have their membership elect the board. Have any of the access organization requested or suggested an arrangement different from the DCCA board appointment process currently in place? Are these public documents? May I examine these documents?

Ed Coil - Asking questions is a human right!

[profile](#) [12 pm](#) [email](#) [www](#)

Posted: Mon Jul 21, 2003 8:14 pm Post subject: any different PEG Board Appointment Process?

[quote](#)

Ed,

You asked "Have any of the access organization requested or suggested an arrangement different from the DCCA board appointment process currently in place?" The answer is YES, In 2001 Akaku changed their bylaws to remove the appointment power from the DCCA.

I'd say you could say it's public record: <http://hoam.hi.net/akaku/>

jg

[profile](#) [12 pm](#) [email](#)

Posted: Tue Aug 12, 2003 9:55 am Post subject: PEG governance

[quote](#)

For the most part, PEG board nominations have been selected in a closed process by the sitting board and submitted in a perfunctory manner to the DCCA director for her or his "official" selection. Most of the time the director has no knowledge of who the nominees are, especially for neighbor island appointees. This can't be called a democratic or open governance process.

If you want democratic process, Option 4, using an open nomination and election, is the best way to go. If PEG's took the right attitude, they could see the election process is really an effective outreach method as well. PEG'S should attract competent people willing to work hard to support the use of cable TV for first amendment purposes. These boards need to understand service to the public, not service to the corporation. Lately, when listening to PEG board discussions, much of the talk revolves around ways to enhance the private non-profit's growth, not service the public.

Elections can be held affordably and simply. In each county now, as Maui has recently formed a chapter, the League of Women Voters can assist any PEG access organization for nominal fees. Look up your local chapter and invite a League election specialist to your next PEG access board meeting.

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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DV dude  
Guest

Posted: Thu Aug 14, 2003 9:54 pm Post subject:

[quote](#)

This is just silly!

The rate payers pay for it all, (the funding for PEG'S and DCCA's oversight) and now we have to pled, beg, or perhaps sue over the right to participate.

Taxation without representation,  
TIME FOR A TEA PARTY!

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Wendy Arbeit  
Prolific



Joined: 17 Aug 2003  
Posts: 22

Posted: Sun Aug 17, 2003 12:56 pm Post subject: complaint resolution

[quote](#)

"Each PEG board is responsible for all financial and operational management matters, including the resolution of complaints from its producers and stakeholders."

When those DCCA-appointed directors do not resolve complaints (especially those that have remained and been repeated for years and that have to do with financial mismanagement), the ultimate responsibility must be placed at DCCA's doors. Why is there no mention of what DCCA will do with regard to what will be done if there is no resolution or if infractions continue? Since Olelo's bylaws forbid granting access to its financial and operational matters, even to the DCCA, if they reflect negatively on Olelo, how is anyone to accurately gauge the board's competence without a truly neutral audit (a solution option absent in this document despite repeated requests for one to the director and the legislature.

In the last several years Olelo has pointed to ASAC as representing producers and as a source to which volunteers may approach for resolution to their complaints. However, ASAC has finally made clear their real intent with their recent clarification of their mission:

"To Preserve, Promote, and perpetuate Olelo."

Why are contracts "automatically renewed" without a review of the nature and ultimate resolution of those complaints?

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Nendy Arbeit  
Prolific



Joined: 17 Aug 2003  
Posts: 22

Posted: Sun Aug 17, 2003 12:59 pm Post subject: board recommendation

[quote](#)

"The DCCA and the cable operator have the discretion to accept or reject the recommendation." (of board nominees)

Up to this point DCCA has rubber-stamped all nominees. In fact it even appears that DCCA participated behind the scenes creating this list. DCCA has made no attempt to assure that the slates represent a true cross-section as required by (Olelo's at least) bylaws. How will DCCA rectify this process in the future?



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**Wendy Arbeit**  
Prolific  
11111

☐ Pasted: Sun Aug 17, 2003 1:05 pm Post subject: oversight whimpering

[quote](#)

Joined: 17 Aug 2003  
Posts: 22

why would they object to oversight? Taking DCCA completely out of the process only makes sense if it's replaced by a membership with election powers. For the current boards to be self-perpetuating only invites more of the increasingly questionable actions we have seen for the last decade.

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**Wendy Arbeit**  
Prolific  
11111

☐ Pasted: Sun Aug 17, 2003 1:07 pm Post subject: DCCA oversight

[quote](#)

Joined: 17 Aug 2003  
Posts: 22

"The DCCA has historically believed that it needs to exercise oversight of the expenditure of these funds."

Unfortunately, historically DCCA ~~CAN~~ has not exercised this oversight. The public has for years called for an independent audit of Olelo's management and finances. DCCA has ignored these requests.

"Proponents of change argue that the DCCA retains adequate oversight through the annual reporting and contract renewal process."

5  
agreement

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**digitaleye**  
Prolific  
11111



Joined: 19 Jul 2003  
Posts: 28

☐ Pasted: Sun Aug 31, 2003 8:25 am Post subject: ISSUE X2: Governance - PEG Board Appointment Process

[quote](#)

ISSUE #2: Governance - PEG Board Appointment Process

Option 1: Continue with current appointments by the DCCA and cable operator

This is not even an option I would consider.

Option 2: Self appointment by the PEG Boards

Absolutely out of the question ! This would only serve to allow the nepotism to continue unchecked.

**Option 3: Appointments by Various Entities**

Approval of officers could be confirmed by the Cable Advisory Committee at a public meeting. Election of directors by the active "members" could be approved in an open meeting held by the franchise authority, the legislature or the city/county council.

**Option 4: Election by PEG constituents**

To accomplish this the corporations must first be changed from "Non membership" to membership corporations.

Membership being all franchise area residents who wish to be contributing members by signing a membership form making them eligible to vote and perhaps a nominal annual fee that could be waived in lieu of contribution of volunteer hours on productions. Annual elections should be overseen by an impartial body like League of Woman Voters, and ballot mail outs and tallying should be done by them as well.

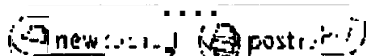
**Option 5: Establishment of a Mechanism for Public and Producer Input**

This has already been tried numerous times and has failed miserably due to board and administration controls and lack of follow through by those in control. It appears they were set up to give the appearance clients had an avenue to address concerns to the board and staff, but were actually Intended to fail.

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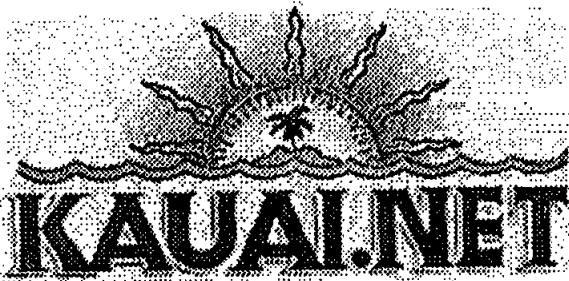
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### ISSUE #3: Cable Advisory Committee

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■ ■ ■



Joined: 18 Jul 2003  
Posts: 19

Posted: Fri Jul 18, 2003 5:19 pm Post subject: ISSUE #3: Cable Advisory Committee

[quote](#)

**ISSUE #3: Cable Advisory Committee** (click here to review - ISSUE #3)

#### HOW TO COMMENT

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Ed Coil

Hyper Active

■ ■ ■ ■ ■



Posted: Fri Jul 18, 2003 6:35 pm Post subject: More info on appointment process please?

[quote](#)

- Are applications received public record ?
- May I examine them ?
- Are board recommendations to DCCA public record ?
- May I examine them ?
- How many times has DCCA or the cable operator exercised the discretion to reject

Joined: 04 Jul 2002  
 Posts: 208  
 Location: Here Now

the board recommendations for appointment ①  
 Are these rejections public record ①  
 May I examine them ①  
 May an individual member of the public directly request appointment from the director of the DCCA ①  
 How many times has this occurred ①  
 How many member of the public directly requesting appointment by the director of DCCA have been appointed ①  
 Are these appointments public record ①  
 May I examine them ①  
 Are the requests for appointment rejections public record ①  
 Has the cable operator or the Director of DCCA ever removed a director ①  
 If so how many directors were removed and by whom ①  
 When were they removed ①  
 Were They removed with cause ①  
 From which access organizations were these directors removed ①  
 Are these removals, cause for removal, and related documents public record ①  
 May I examine them ①  
 Please cite the authority by which the Director of DCCA and the cable operator have the authority to remove directors once they are appointed.

Ed Coil - Asking questions is a human right!

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**beenthere**  
 Guest

**Posted: Thu Aug 07, 2003 1:51 pm** Post subject: CAC appointments

CAC is the only formal state oversight that is guaranteed to operate in full sunshine. There's part of the State law that provides that the any objections raised by CAC must be considered when DCCA amends cable franchise orders. This is critical Oversight that has been sorely missed since CAC was abandoned by the Cayetano administration.

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**Carol Bain**  
 Hyper Active



Joined: 05 Jul 2002  
 Posts: 57

**Posted: Thu Aug 07, 2003 3:39 pm** Post subject: CAC - I volunteer

The Cable Advisory Committee could have been very helpful to provide guidance to PEG access over the past ten years had it been active. The CAC has not completed its purpose because PEG access is in serious difficulty many times and guidance is needed now.

Let's all ask Governor Lingle to do the right thing and appoint an active group of people to the CAC who understand the importance of providing cable access to the public. Though Cayetano couldn't seem to do it, surely Governor Lingle can find a good group of people to serve on this important committee.

I volunteer. 😊

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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Guest

☐ Posted: Fri Aug 08, 2003 9:23 am Post subject: CAC - I volunteer
[quote](#)

I volunteer as well.

In HRS 440g <http://hpam.hi.net/HRS/hrs440g.html> the DCCA Director has too much power. In the absence of the Cable Advisory Committee, the statute gives the director sole discretion to determine what is "In the public interest". It is evident that the Director has not given much consideration to "any objections arising from the public hearing".

Also, the ability of the director to insert his/her own proposals affecting "the public interest" without them having to be made available publicly before the order is signed is undemocratic to say the least.

**§440G-8** Issuance of cable franchise authority; criteria; content. (a) The director is empowered to issue a cable franchise to construct or operate facilities for a cable system upon the terms and conditions provided in this chapter.

(b) The director, after a public hearing as provided in this chapter, shall issue a cable franchise to the applicant when the director is convinced that it is in the public interest to do so. In determining whether a cable franchise shall be issued, the director shall take into consideration, among other things, the content of the application or proposal, the public need for the proposed service, the ability of the applicant to offer safe, adequate, and reliable service at a reasonable cost to the subscribers, the suitability of the applicant, the financial responsibility of the applicant, the technical and operational ability of the applicant to perform efficiently the service for which authority is requested, any objections arising from the public hearing, the cable advisory committee established by this chapter, or elsewhere, and any other matters as the director deems appropriate in the circumstances.

jd

[Back to top](#)DV dude  
(Guest)
☐ Posted: Thu Aug 14, 2003 10:53 pm Post subject:
[quote](#)

Yes PLEASESSEE!

DCCA need oversight from someone that understands what the "P" in PEG means.

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Guest

☐ Posted: Sun Aug 17, 2003 1:16 pm Post Subject: CAC outlived or too lively?
[quote](#)

'It appears that the prior Administration believed that the CAC had been established to provide guidance during the formative years of cable regulation and that it had outlived that role.'

Interesting assumption. I would draw another conclusion, that members of the CAC would probably take positions at odds with the current administration, therefore it would be expedient not to have to deal with them.

"Option 1: Appoint members to the CAC"

This should be done. all counties should be represented. Airfare should be budgeted from **CATV's** 1/2% allotment.

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**Ed Coll**  
Hyper Active



Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

Posted: Sun Aug 17, 2003 3:53 pm Post subject: I have Questions that need answers



DCCA wrote:

The Cable Advisory Committee ("**CAC**") is intended to advise the Director and cable operators, upon request, with cable television related matters.-

Since the CAC only advise the Director or cable operators "upon request" how many times has the Director or cable operators make such requests? Are these requests public record? May I examine them? How many times before **1990** did CAC meet? Are the minutes of these meetings public record? May I examine them? Why has this become an issue **12** years after the last meeting? What entities raised this as an issue.

Ed Coll - Asking questions is a human right!

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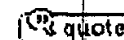
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**Ed Coll**  
Hyper Active



Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

Posted: Sun Aug 17, 2003 3:55 pm Post subject: Why?



DCCA wrote:

:Option 1: Appoint members to the **CAC**

:Under this option, the Governor would appoint five members to the CAC.

:Current law

:does not specify residency or other requirements for membership. However,

:the

:Governor could select representatives from each of the four counties.

Since the CAC has outlived it's role and has not met since **1990** why would the Governor take this action? unless the Governor or Director feel the CAC has not outlived it's role.

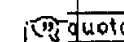
Ed Coll - Asking questions is a human right!

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**Ed Coll**  
Hyper Active

Posted: Sun Aug 17, 2003 3:56 pm Post subject: In violation of Law?





Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

**DCCA** wrote:

;Option 2: Introduce legislation to eliminate the CAC

Such g ti would be appropriate if the CAC has outlived its usefulness.

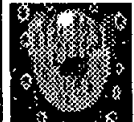
Why is the introduction of such legislation necessary unless the enabling language is absolutely clear that the Governor shall appoint and the previous and current administrations are in violation of the law by failing to appoint? If the law has been and is being violated should the attorney general be informed by the Director?

Ed Coil - Asking questions is a human right!

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**digltaleye**  
Prolific



Joined: 19 Jul 2003  
Posts: 28

Posted: Sun Aug 31, 2003 8:27 am Post subject: **ISSUE Y3: Cable Advisory Committee**

Option 1: Appoint members to the CAC

Absolutely, and do it post haste before the Governor is sued for violating state law:

HRS 440g-13 <http://hpam.hi.net/HRS/hrs440g.html#13>

Option 2: Introduce legislation to eliminate the CAC

Absolutely out of the question i

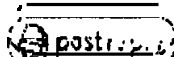
Option 3: Introduce legislation to amend composition of the CAC

Provide for at least one member from each Individual island and at least 4 members from the P sector to represent each franchise area, and a representative from each E & G users groups.

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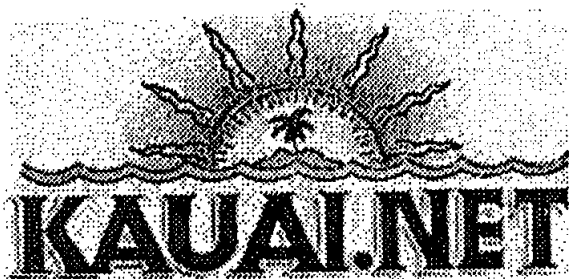
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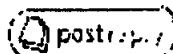
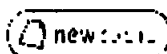


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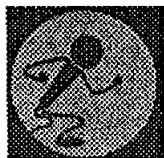
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### ISSUE #4: Financial Resources



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Joined: 18 Jul 2003  
posts: 19

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**digitaleye**  
Prolific



Joined: 19 Jul 2003  
Posts: 28

Posted: Sat Jul 26, 2003 7:14 am Post subject: ISSUE #4: Financial Resources

If you will please notice, under "ISSUE #4: Financial Resources" there is no mention of the "Capital Funds". They are only briefly mentioned in the "Background and Introduction" sections and then left out from then on. The funds they are discussing in "ISSUE #4: Financial Resources" are the **Operating Funds**. I suggested to the DCCA director, in an email that was shared with all the PEG



administrators in attendance of the planning meetings, that all "capital funds" as well as a percent of funds from KHET and any "unencumbered balances" from the Cable Television division funds could be pooled into a grant fund. This "grant fund" could be used for video productions with Statewide interest as well as for equipment upgrades to provide consistent equipment statewide. 'Olelo does not want to contribute because they do not want Oahu funds to go off island. The reality is, that if all islands had the same equipment and provide the same training and certification, then you could fly to a neighbor island and reserve equipment, thus a benefit to Oahu residents as well as Neighbor Islanders.

Lurline doesn't want the funds that she uses to create in-house productions, using equipment not available to clients, for the eventual submission in national video award contests to supplement her resume. KHET doesn't want their funding to even be mentioned in this plan for fear of the truth being exposed of how they were acquired, and DCCA or the Legislature neither want to commit to using the funds they collect for CAW division for their original intent which is the Implementation of Hawaii Revised Statutes Chapter 440g, <http://hpam.hawaii.net/HRS/hrs440g.htm> nor do they want to facilitate a guarantee that PEG Access will be provided for perpetuity. Is that what you'd call "in the Public's best interest"?

jg ☹

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**digltaleye**  
Pirollific



Joined: 19 Jul 2003  
Posts: 28

[profile](#) [pm](#) [email](#)

Posted: Mon Aug 04, 2003 8:02 am Post subject:

[quote](#)

!Currently, franchise fees for PEG access collected in a particular County remain there for

The above statement is misleading in that it does not point out that the remaining franchise fees collected in each county for KHET's 1% and DCCA CATV's .64% do not remain in the counties and are actually spent on Oahu !

It should also be noted that the amount of funds received by DCCA CAW and KHET have been omitted. DCCA CATV's percent is collected from all islands and placed into a special fund which is controlled by the legislature. This year the legislature allocated just over 1 million dollars of those funds to CATV, last year they allocated 1.2 million of which only 800 thousand was used. That's 400 thousand that was not used by CAN, so why not use those "unencumbered balances" for baseline services?

In 2001 KHET received 1.6 million from franchise fees which were collected from all islands. Perhaps KHET should provide a percentage of their funds to be used each county to help them acquire equal equipment, or at least provide each county with use of the additional bandwidth they will soon be in possession of facilitated

an additional 2 million dollars of funds provided for by the legislature in 2000 & 2001?

A good Statewide plan should include all franchise funds collected as potential sources of funds to be used in the public's best interests, and of course the "Public" should have a say in their use. This could be facilitated by the Cable Advisory Committee if it didn't only exist on paper.

jg

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Wendy Arbeit  
Prolific



Joined: 17 Aug 2003  
posts: 22

Posted: Sun Aug 17, 2003 1:30 pm Post subject: baseline

Option 2: Should franchise fees be redistributed among the Counties?

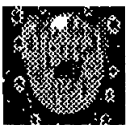
Yes. There should be a baseline. The baseline should have access to, but not be limited to, the fees in excess of the Oahu cap.

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digitaleye  
Prolific

1 1 1 1



Joined: 19 Jul 2003  
Posts: 28

Posted: Sun Aug 31, 2003 8:30 am Post subject: ISSUE #4: Financial Resources

Option 1: Continue with the current financial structure

Absolutely out of the question !

Option 2: Should franchise fees be redistributed among the Counties?

All island cable companies but Oahu should cease providing 1% of their gross revenues to KHET and give it to the PEG entity instead. The .64% that is now allocated for the Cable Television division could be raised to the full 1% that could be collected (an additional .36% of gross revenues can be collected bringing the total franchise fees to its allowable .5%), with the counties keeping 60% for their role in cable regulation and the remaining 40% to go to the Cable Television Division of the state for whatever it is they do.

"Capital Funds" that are distributed to all PEGS on an annual basis and a percent of KHET's 1% on Oahu should be pooled into a statewide Cable Advisory Committee controlled "equipment and production fund" for all entities to draw from with the intent to create consistent training and equipment statewide and to provide grants to producers of locally oriented productions of statewide interest and benefit to be allocated through a transparent process with the criteria clearly spelled out.

"Capital Funds" appear to be restricted funds for the express purpose of equipment maintenance and upgrades. In 'Olelo's case, they have received up to 1.9 million dollars a year and rather than using those funds for their intended purpose have instead been placing them in trust, providing minimal interest, until the 2 year restriction has passed and then using those funds for board initiatives decided in

out from "sunshine". This practice should cease and be exchanged for "time use of money" oriented initiatives,

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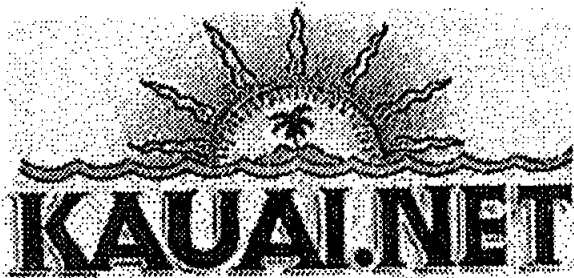
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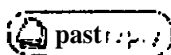
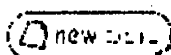


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### ISSUE #5: PEG Channel Resource



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Comment On draft PEG Plan  
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1111



Joined: 18 Jul 2003  
Post: 19

Posted: Fri Jul 18, 2003 5:17 pm Post subject: ISSUE #5: PEG Channel Resource [quote](#)

**ISSUE #5: PEG Channel Resource** (click here to review - ISSUE #5)

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Hyper Active

111111



Posted: Fri Jul 18, 2003 6:57 pm Post subject: Re: What is the rational? [quote](#)

DCCA wrote:

As stated previously, franchise fee assessments are consistent statewide, except for an agreed upon limitation that is in place For 'Olelo on Oahu. 'Olelo is subject to a \$3.7M cap that may increase annually based on the Consumer Price Index ("CPI").

Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

This calculated cap amount is compared against the actual 3% calculation, and the lower amount is remitted to Oieo.

What is the rationale for this agreed upon limitation and who are the parties to this agreement?

Ed Coil - Asking questions Is a human right!

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Wendy Arbelt  
Prolific



Joined: 17 Aug 2003  
Posts: 22

Posted: Sun Aug 17, 2003 7:17 pm Post subject: criteria on a case-by-case basis? [quote](#)

Additional channel criteria:

From page 2:

"The review criteria include items such as current use of channels in production, percentage of first time versus re-run programming, channel utilization by local producers, and other factors related to channel demand."

from page 9:

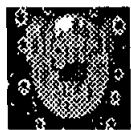
"Statistical data illustrating the use of existing channels, types of programming being cablecast on each channel, statistics on channel programming that is first run versus re-run, percentage of first run programming versus re-run programming twice?, and percentage of time used for 'bulletin board'"

Interesting that these don't completely match. Do they come from different sources? What? Why? Isn't it more appropriate (and transparent) that there be one set standard?

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digltaleye  
Prolific



Joined: 19 Jul 2003  
posts: 28

Posted: Sun Aug 31, 2003 8:31 am Post subject: ISSUE #5: PEG Channel Resource [quote](#)

At least put back the 10% of channel capacity clause that the director removed from previous D&O(s). A more advantageous allocation would be a clause inserted for the cable company to provide 10% of their bandwidth for Public, Education and Government use and that the I-NET provisions should also include use by the Public sector, not just Education and Government.

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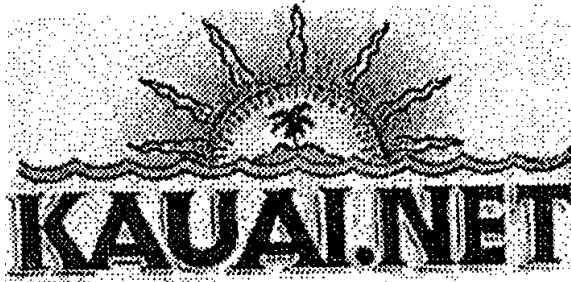
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### ISSUE #6: Sustainability

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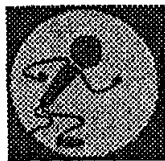
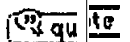
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Author

Message

**Comment on draft PEG**  
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 Regular

☐ Posted: Fri Jul 18, 2003 5:14 pm    Post subject: ISSUE #6: Sustainability



Joined: 18 Jul 2003  
 Posts: 19

ISSUE #6: Sustainability

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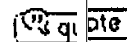
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**id Coil**  
 Hyper Active



Joined: 04 Jul 2002

☐ Posted: Fri Jul 18, 2003 6:48 pm    Post subject: Re: Who are these observers?



#### DCCA wrote:

: Some observers have suggested that there should be some  
 : mechanism to redistribute franchise fees so that neighbor islands receive a  
 : larger  
 : percentage of the statewide total. They suggest that absent such  
 : redistribution, some  
 : areas of the neighbor islands are not able to receive even a minimal "baseline"  
 : of access

Posts: 208  
Location: Here Now

services.

Whom are these observers? Are their observations public record? May I examine them?

Ed Coil - Asking questions is a human right!

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Guest2  
guest

Posted: Mon Jul 21, 2003 7:23 pm Post subject: reply

[quote](#)

The "observers" were actually independent consultants contracted by the State to evaluate the cable regulatory regime. Experts studied the current disproportionate funding that keeps most of the PEG access resources locked up in Honolulu and recommended a better rationale and funding distribution method.

Of course, DCCA should make these studies and reports part of the public record and part of the foundation of this state plan.

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llelouser  
Guest

Posted: Mon Jul 21, 2003 7:27 pm Post subject: bogus question

[quote](#)

On this issue the DCCA poses a bogus question! The REAL question is what is DCCA doing to secure future resources to ensure that PEG access continues as a critical and essential public service!

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Carol Bain  
Hyper Active  
■■■■■



Joined: 05 Jul 2002  
Posts: 57

Posted: Mon Jul 21, 2003 7:40 pm Post subject: no money

[quote](#)

When you review other PEG access facilities around the nation, those that get too much \$ have a harder time fulfilling their mission of training & facilitating the public to make their own messages. This is because the money attracts the worst elements in the community --the greedies. ☹

All the PEG'S in Hawaii have enough \$. I just wish they would stop trying to "grow" and start just doing their original mission: Turn speakers into video message makers and facilitating free speech. It really does not take a lot of \$ to do this, but a basic facility and the clear vision toward the goal of promoting (not pre-producing) free speech. ☺

Seems the richer PEG'S get, they tend to want to take over production "for" the people.

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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DV dude  
GGuest

Posted: Thu Aug 14, 2003 11:28 pm Post subject:

[quote](#)

**F** DCCA was doing their job, instead of sleeping with the cable company and giving away "public" bandwidth For Free, this would be a non issue. (I know, the feds are doing this also). Who owns the airwaves? I don't know any telecom or cable company who's bandwidth doesn't pass through, at some point "public airwaves". As long as the telecoms, and cable companies can make money, and the government doesn't give away all the public's rights and royalties away, **It would be** impossible to loose funding for the Future version of PEG'S.

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WYendy Arbelt  
PProlific



Posted: Fri Aug 22, 2003 1:57 pm Post subject: even more money?

[quote](#)

Quote:

"...should PEG access organizations pursue other sources of funding through various methods such as solicitation of grants, private - public joint ventures, and traditional fundraising activities?"

Joined: 17 Aug 2003  
PPosts: 22

No. There's enough funding state-wide if only the access organizations would concentrate on their mission, which is to Facilitate members of the public to express themselves. We are seeing a degradation of this on Oahu where Oleio serves the Democratic party and non-profits to the detriment of the public. Oleio's current and increasing practice of producing its own programs cost more than facilitating the public to do their own thing. No PEG production **is** acceptable, whether up Front or under the guise of facilitation (such as providing staff and trying to hide it...a frequent Olelo practice).

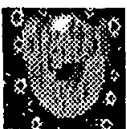
Another reason to not seek grants would be the obligation to commit to inappropriate goals.

PEGS should not compete with commercial businesses. Using tax monies to compete with private businesses is not acceptable.

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digitaleye  
IProlific



Joined: 19 Jul 2003  
IPosts: 28

Posted: Sun Aug 31, 2003 8:33 am Post subject: ISSUE t6: Sustainability

[quote](#)

Option 1: Seek funding From other sources

Grants should be sought to supplement the access corporations and **KHET's** portion of franchise fees, but should be received and administered in a manner that is transparent.

Obviously some incentive is needed by the PEG corporations to seek additional funding in light of 'Olelo's refusal to even address the practice in the past. (see

'Olelo's "Self Sufficiency Plan" <http://hoam.hi.net/olelo/selfsuff.htm> )

Option 2: Identify acceptable "for profit" activities as part of PEG mission

There are no acceptable "for profit" activities as part of the **PEG** Mission. All activities should be "not for profit". Any profitable activity such as becoming an internet provider for "members" should be required to use all proceeds for specified nonprofit purposes of the corporation.

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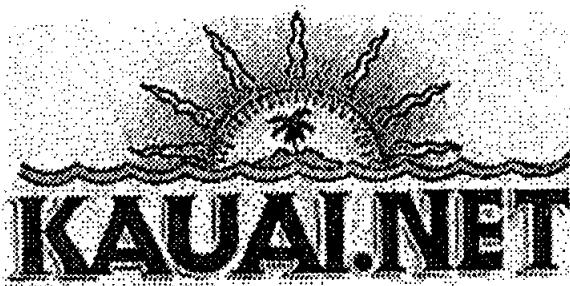
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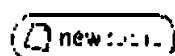


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### ISSUE#7: Greater Community Participation



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Author

Message

Comment on draft PEG

plan  
Regular



Joined: 18 Jul 2003  
Fostr: 19

Posted: Fri Jul 18, 2003 5:12 P m Post subject: **ISSUE #7: Greater Community Participation**

[Quote](#)

**ISSUE #7: Greater Community Participation** (Click here to review • ISSUE #7)

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Rob Reef  
Regular

1 1 1



Posted: Tue Jul 29, 2003 6:48 pm Post subject: **Why Not Broadcast Board Meetings?**

[Quote](#)

Olelo has five channels. Wouldn't it make sense to announce board meetings in advance through simple PSA's to encourage people to attend? In fact why not broadcast the board meetings to keep people informed of their activities? 😊

Has anyone thought of this simple solution? 😊

Joined: 08 Sep 2002  
posts: 10  
Location: Honolulu, HI

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Guest

**Rob Reef**

[profile](#) [pm](#)

**Posted: Tue Jul 29, 2003 9:07 pm** Post subject:

[quote](#)

Yeah -- you have a problem with access to resources alright! The problem is, your programming is available only to people with CABLE TELEVISION. Hel-lo. This leaves out thousands and thousands of us who choose to not pay Bill, Ted and their friends In SilVal. So -- until you decide to provide your programs free (F-R-E-E, i.e., without charge) please refrain from calling your system PUBLIC access. It's a 100% PRIVATE Pay TV system, so don't suggest otherwise. Mahalo. ☺

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**Carol Bain**  
Hyper Active  
1 1 1 1 1



Joined: 05 Jul 2002  
Posts: 57

**Posted: Wed Jul 30, 2003 8:43 am** Post subject: educating the public about the issues

[quote](#)

Most people do not understand the only reason any channels or funds are allocated at all for public use is because the cable companies are required to provide it when granted a monopoly, or franchise. A part of your cable bill goes to pay for PEG access, that is why it exists. So, if you do not pay for it, you don't get it. That seems to be the way capitalism operates. Sometimes you pay for it and still don't get it, however.

Many people get confused and think PEG access TV is another form of public television. True, if you don't have a TV, you don't get it.

I have never seen any PEG access facility produce a program that explains this or other basic fundamentals of origin. As long as they keep the public befuddled, PEG facilities can avoid providing their mission: to encourage and train individuals to make their own messages.

I am all for getting the facilities out to rural areas. It has been discussed for over 10 years and I imagine it will still be discussed (promised but not delivered) for another 10.

**Carol Bain**

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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**digitaleye**  
Prolific

1 1 1 1



Joined: 19 Jul 2003  
Posts: 28

**Posted: Wed Jul 30, 2003 10:28 am** Post subject: Re: Why Not Broadcast Board Meetings?

[quote](#)

Rob Reef wrote:

Oieo has five channels. Wouldn't it make sense to announce board meetings in advance through simple PSA's to encourage people to attend? In fact why not broadcast the board meetings to keep people informed of their activities? ☺

Has anyone thought of this simple solution? ☺

Of course it has been thought of and suggested over and over. It is logical for a corporation that is supposed to provide ACCESS to video equipment, channels and training to give the public access to their board notices and meetings through the very medium they are charged with providing. That would set a good example right? They occasionally video tape one meeting out of 4 a year, but it is usually one at a satellite center when they call in their inexperienced shills to sing the praises of 'Oielo.

There **is** a board meeting tomorrow at the Kahuku satellite center, perhaps they will videotape it for the usual minimal airing of 3 times, if that many.

jg

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**Nendy Arbeit**  
Prolific

**1 1 1 1**

Joined: 17 Aug 2003  
Posts: 22

Posted: Fri Aug 22, 2003 2:14 pm Post subject: extension of services

[quote](#)

Quote:

"One of the primary goals of all PEG access organizations today is the extension of their services to all areas of their communities."

And where **is** this written? I just looked at Olelo's bylaws and it isn't there. What I did find is:

"The specific and primary purpose of the corporation is to promote the creation, production and cablecasting of programs by, for and about Hawaii."

So why would the PEG stations (or is it CATV Administrator Sonobe?) try this bit of revisionism? I think it's because the unwelcoming and badly run primary centers discourage the public from going there. So to bolster their numbers, Oielo (at least) must do something. One such shibai window-dressing approach is to pretend to extend service into the communities. Actually the satellite centers extend services to education without calling it or budgeting it as such. Years ago the CTPA suggested that Olelo take a roaming production van to various communities and the many categories of residents. It chose not to take this truly equitable approach. Instead, it has taken the more costly approach of building studios for schools and for reaching only targeted communities.

Quote:

"On Oahu for example, 'Olelo has implemented remote sites in Kahuku and Waianae. Although these are not fully equivalent to 'Olelo's main facility in Honolulu, they do provide easier access for residents in the Leeward and North Shore communities of Oahu."

These are tied up all day long by the schools. At the very least it would be safe to say that DOE curriculum is given priority for a large portion of facility usage.

Quote:

"Mobile Facilities: Equipping a mobile van with production capabilities is also being considered to address the needs for more outreach to remote geographic

areas. This option provides tremendous opportunities For greater outreach."

This is the approach suggested over the last decade by CTPA. Ten years and counting and Olelo is still "working on it.."

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**Wendy Arbelt**  
Prolific



Joined: 17 Aug 2003  
Posts: 22

[profile](#) [5:12 pm](#)

**Posted:** Fri Aug 22, 2003 2:27 pm **Post subject:** how to get even less for your money

[quote](#)

Quote:

"It has been suggested that the PEGS explore working relationships with existing institutions that could extend the reach of their services. This could include collocating with an existing non-profit corporation .....

"It has been suggested"? How coy! I'll bet It was Olelo, so it could facilitate non-profits even more than it does at present. The public is already being discriminated against big time when you consider how much of Olelo's assets and support go to non-profits vs. the independent producer.

Plus, Olelo has already created sites for public schools. How about public schools making their resources available to the public?

Quote:

PEGS currently provide the public with the option of creating programming without becoming a certified producer. Such easy access services include staff supported "open mike" sessions as well a volunteer supported facilitated productions.

Puileezel Open mike sessions' days and times are insufficient and inconvenient.

Worse, when individual members of the public request help they get referred to other volunteers. When non-profits request help they get staff as crew.

Quote:

I won't hurt your eyes repeating this gobbiyook paragraph on Equipment and Staffing.

There should be a uniform baseline of equipment throughout the state. Decisions regarding equipment should take into account (not just gather and forget it) input from the public. Recent decisions (such as conversion to digital equipment) by Olelo have made productions by the public more expensive. Despite its multi-million budget Olelo has also increased training course costs 1700%, over the years. These fees should be nominal (as they were in the past) and should be the same For all islands.

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**digitaleye**  
Prolific

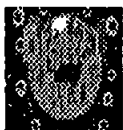


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**Posted:** Sun Aug 31, 2003 8:36 am **Post subject:** ISSUE X7: Greater Community Participation

[quote](#)

Mobile Facilities



Joined: 19 Jul 2003  
Posts: 28

It has long been suggested that a mobile vehicle with camera, mini-studio, edit Facilities and computers could be sent to communities on an equitable basis as part of an outreach program designed to highlight a community event and bring in new media producers and techs at the same time.

#### Alternate Sites

All alternate sites to date have been placed in DOE Facilities and are utilized mostly by DOE students without counting it as Funding for the E in PEG. This is not equitable to the Public and that practice should be properly accounted For.

#### Facilitated Production

Without specific criteria spelled out as required by the IRS For selection of the recipients of Fund and staff support, this option should not even be considered, or allowed by DCCA or whatever franchise authority. Government facilitated productions should always be provided for through grants, as are the Honolulu City Council and the Honolulu Mayor, with the criteria clearly spelled out. These grants should only be used For programs that inform the public with the Intent to involve them in the democratic process rather than the creation of self ingratiating programs with the only Intent to make an elected official look good in order to facilitate their reelection.

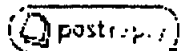
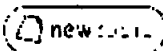
#### Equipment and Staffing

At the very least there should be consistent camera & playback equipment, and camera training statewide. This would enable clients to fly to any other neighbor island to acquire video content as cameras are forbidden to be taken off island, Inconsistent playback tape Formats has proven to be a major barrier to accessing the channels. A statewide video server accessible via a PEG Access network, possibly utilizing the I-NET, could be used to store all statewide P, E, & G sector programming For inter island use.

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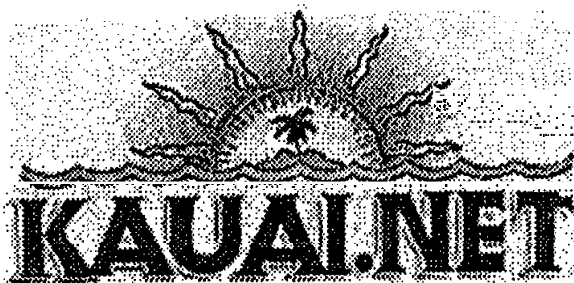
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### ISSUE #8-Cooperation & Collaboration Among PEG Organ. ..

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 Regular



Joined: 18 Jul 2003  
 Posts: 19

[Posted: Mon Jul 21, 2003 1:29 pm](#) [Post subject: ISSUE #8-Cooperation & Collaboration Among PEG Organ...](#)

**ISSUE #8: Cooperation and Collaboration Among PEG Organizations** [\(Click here to review - ISSUE #8\)](#)

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**Wendy Arbeit**  
 Prolific



Joined: 17 Aug 2003  
 Posts: 22

[Posted: Fri Aug 22, 2003 2:31 pm](#) [Post subject: cooperation](#)

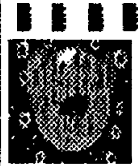
I heartily agree with the paragraph on Equipment Resources. However, with regard to Personnel Resources, I'd like to know who's paying for those "roundtables"? Will the public be able to take advantage of them too? They should.



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iiigitaieye  
FProlific



Joined: 19 Jul 2003  
Posts: 28

Posted: Sun Aug 31, 2003 8:44 am Post subject: #8 Cooperation and Collaboration!  
Among PEG Organizations

### ISSUE #8: Cooperation and Collaboration Among PEG Organizations

All statewide PEG media centers could have the same; equipment, training manuals and the many forms that clients are required to submit which would save money by eliminating duplication in their creation and updates. Some information in Community Bulletin Boards that should be distributed statewide could be done by one person and then distributed to all centers. Not only would this save time in duplication of efforts but the end result would provide even more information available to the public. In this day and age these PEG corporations should already be providing services online such as class registration, equipment reservations, the potential is almost limitless. By providing clients with a PIN number that could be used statewide they could provide information and requests in electronic format which would save a lot of staff time and potentially cut down on staff mistakes, not to mention provide more transparency and immediate response to client needs rather than leaving a message on an answering machine and sometimes waiting days for a response.

Unfortunately the corporation with the most funding does not consider neighbor islands as part of their "community building" and would rather hoard the funds to use for facilitating community members of her personal choice or putting in a trust fund that has benefited the bank employees on their board.

#### Equipment Resources

Retired equipment should be made available to schools and the public through an open auction. Could be an annual "fundraising" event broadcast statewide and/or done via a website.

#### Personnel Resources

Forms and Bulletin Board Information could be more centralized to facilitate posting events of interest to all island communities' bulletinboards, both on the channels and on the PEG corporations' websites.

#### Programming Resources

#### Statewide PEG video Server

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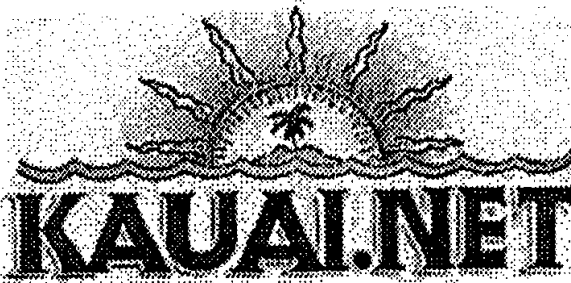
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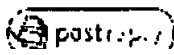
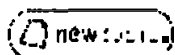


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### ISSUE #9- PEG By-laws



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☐ Posted: Mon Jul 21, 2003 1:31 pm
 [Post subject: ISSUE #9- PEG By-laws](#)



**ISSUE #9: PEG By-laws** (Click here to review - **ISSUE #9**)



Joined: 18 Jul 2003  
 Posts: 19

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Carol Bain  
 HyperActive



Joined: 05 Jul 2002

☐ Posted: Wed Aug 13, 2003 3:52 pm
 [Post subject: bylaws not followed](#)



Over the past few years, especially in 2000-2001, I wrote several letters to DCCA informing the director that the Hoike Board was violating its own bylaws repeatedly, and changing bylaws, going into executive session illegally, etc...many problems.

Hoike stripped off most sections of the original bylaws that supported HRS-92 sunshine laws. Just last month, in June, they totally removed the Program

posts: 57

Committee, which was once were members of the public could have input at the committee level.

I tried to communicate with the Hoike boardmembers over the recent years...their attitude was the public was "interfering" and had no business being at board meetings anyway as they were a "private" non profit.

Deliberations and decisions **now** occur in private committee meetings that are unannounced and no public is allowed.

Very poor practice; **no** accountability or respect for public participation.

Recommendations: DCCA should insist, through its annual Decision & Order process, that HRS-92 and HRS-92F be followed by all PEG boards.

■also think that boards should be openly nominated and openly elected.

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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**W** dude  
Guest

Posted: Thu Aug 14, 2003 9:44 pm Post subject:

[quote](#)

I think with a little research we will find a number of statutes and laws were **broken** both with Ho'ike trashing the bylaws, and sunshine, and the DCCA doing **NOTHING** about it.

It looks like we are headed to court unless the DCCA does its job. Like cleaning up this private club at Ho'ike calling themselves PEG board members.

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Nendy Arbeit  
Prolific

■ ■ ■ ■

Posted: Fri Aug 22, 2003 2:50 pm Post subject: Was that by-laws or bye-bye laws? [quote](#)

Quote:

"The DCCA expects each PEG access organization to comply with their by-laws to remove the potential for complaints and inconsistent operations."

joined: 17 Aug 2003  
posts: 22

Really? Then why does DCCA always pass the buck back to Olelo whenever complaints of bylaw violations are brought before CAN? This has been going on for more than a decade that I recall with no improvement in Olelo's behavior. **How** does DCCA plan to enforce compliance?

Quote:

"Specifically, the DCCA is concerned with the process by which its board meetings are conducted and strongly encourages the adoption and implementation of procedural rules, such as Roberts Rules of Order."

Whoever wrote this line is revealing DCCA CATV's ignorance of PEG operations that

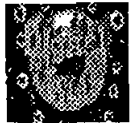
the public has long complained of. Oielo already has this requirement in its bylaws and ignores it whenever convenient for it.

It should be noted that Oielo's bylaw changes over the years have gone in the direction of decreased transparency, to the extent that not even the DCCA director can examine its records and books if the board deems it not in their best interest. In addition, Oielo's bylaws have been in violation of the recent OIP opinion regarding open records for nearly a year, with no indication that there will be any changes to conform it it.

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digitaleye  
IProlific



Joined: 19 Jul 2003  
Posts: 28

Posted: Sun Aug 31, 2003 8:48 am Post subject: ISSUE #9: PEG By-laws

[quote](#)

Compliance to bylaws and adherence to Robert's Rules of Order

Neither of those have been respected in the past as witnessed by over 30 bylaw violations having been reported to DCCA to date as well as 8 months of mediation totally ignored. Nothing is acceptable other than insertion of and strict adherence to state "sunshine" law (HRS Chapter 92 Open Meetings law <http://hawaii1000friends.org/HRSStatutes/HRS092.html#92>) in the bylaws.

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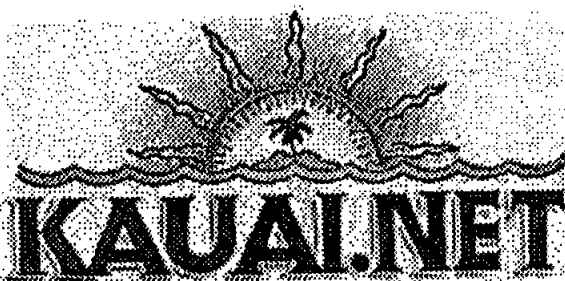
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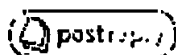
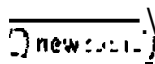


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### ISSUE # 10 Chapter 92F / Uniform Information Practices Act



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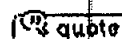
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Joined: 18 Jul 2003  
Posts: 19

Posted: Mon Jul 21, 2003 1:32 p m Post subject: ISSUE #10 -Chapter 92F / Uniform Information Practices Act



ISSUE # 10 Chapter 92F / Uniform Information Practices Act [\(click here to review - ISSUE #10\)](#)

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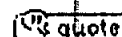
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Ed Coil  
Hyper Active



Posted: Sat Jul 26, 2003 8:26 a m Post subject:



Quote:

Option 1 : Legislative modifications to amend requirements

Some of the Chapter 92F requirements may be unduly burdensome and / or costly For non-profit entities such as the PEGs to comply with. Legislation could be

Joined: 04 Jul 2002  
Posts: 208  
Location: Here Now

proposed  
which would streamline these requirements as applied to the PEGs while still  
ensuring  
openness on the part of the PEGs.

### Is this quote the opinion of the DCCA ☹☹☹

We need **MORE** Transparency, Oversight, and Accountability (TAO) to prevent these State funded employees from creating virtual fiefdoms (they already have) pushing the public they serve even Further away from the production equipment and channel access. With regards to the "**burdensome and / or costly**" just fund the public's right to TAO the same way the DCCA gets it's money. Just take the language below and make a "legislative modification" so it funds PRGS just like DCCA (which is also covered by Chapter 92f)

#### Quote:

**§440G-15 Annual Fees.** (a) Each cable operator shall pay an annual fee to be determined by the director. The Fees so collected under this section shall be used to offset the costs of administering this chapter.

Ed Coil - Asking questions is a human right!

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**digitaleye**  
Prolific



Joined: 19 Jul 2003  
Posts: 28

Posted: Tue Jul 29, 2003 3:16 pm Post subject: "burdensome and / or costly"

[quote](#)

Yes, It is interesting that a DCCA document seems to express that It believes that abiding by state law is too "burdensome and / or costly" For a PEG Access center that used to provide most of the information now being requested in the past (when they had less funds).

I agree that it could be legislated that these PEGS shall give access to information as well as their channels and equipment, but we've tried for oh so many years. See **S.B. NO. 1229** SD 1 Nonprofit Corporations; Sunshine Law; Information Practices [http://www.capitol.hawaii.gov/sessioncurrent/bills/sb1229\\_sd1.htm](http://www.capitol.hawaii.gov/sessioncurrent/bills/sb1229_sd1.htm)

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**Carol Baln**  
Hyper Active

1 1 1 1 1



Joined: 05 Jul 2002  
Posts: 57

Posted: Mon Aug 11, 2003 3:33 pm Post subject: Bad attitude creates the "burden"

[quote](#)

The "burden" of following **HRS-92** or HRS92F is often passed on to the public. The PEG access corporation on Kauai, Hoike, has charged .50 cents per page for requested documents; plus many hours of research just for finding past copies of board minutes, which certainly should be on file and not take hours to find.

Their bad attitude is what causes the "burden". As long as you consider following sunshine and open records a burden, it will be one. Consider it an opportunity to share information about your organization with the public. What have these organizations got to hide?

Basically, the idea is that the more open you are to the public, the more the public understands and trusts your organization. HRS-92 provides basic guidelines that any non-profit or government created board can follow.

I have been to many PEG access board meetings and have actually hand-delivered copies of HRS-92 Sunshine Laws and HRS-92FUIPA (open records laws) to the Ho'ike board. Nevertheless, when discussing these issues, I find most non-profit board members are often confused about what these laws are about.

Certainly; one criteria for selecting these board members is that they understand and support Sunshine Laws (HRS-92) and Uniform Information Practices Act (HRS92F).

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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**DV** dude  
Guest

**D** Posted: Thu Aug 14, 2003 10:46 pm Post subject:

[quote](#)

It's clear with this one, DCCA DOESN'T GET IT!

**I** PEG doesn't get help outside of the DCCA, public access just went bye-bye.

[Back to top](#)

Wendy Arbelt  
Prolific  
**I I I I**

**D** Posted: Fri Aug 22, 2003 3:09 pm Post subject: just trust me

[quote](#)

Quota:

:"All PEGs state that they comply with HRS Chapter 92F UIPA."

Both the director and CATV administrator have been made aware that Olelo's bylaws are not in compliance with HRS Chapter 92F UIPA. That this could be written without further comment is worrisome. DCCA does have a copy of the bylaws and could have easily checked.

Quote:

Option 1: Legislative modifications to amend requirements

"Some of the Chapter 92F requirements may be unduly burdensome and / or costly for non-profit entities such as the PEGs to comply with. Legislation could be proposed which would streamline these requirements as applied to the PEGs while still ensuring openness on the part of the PEGs."

Is it of no concern to DCCA that the PEGs find it "burdensome" to operating in a transparent manner? Why is it so eager to allow them to operate behind closed doors? Didn't this administration run on the platform of open government? Is the term "Streamline" DCCA's or Olelo's? Can anyone really believe that Olelo could "streamline" and also operate in an open manner? And just what part of 92F could



be eliminated without losing openness?

One more question, why there isn't an Option 2 calling for complete compliance ?

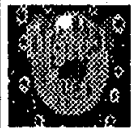
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cdigitaleye

Prolific

1111



Joined: 19 Jul 2003

Posts: 28

Posted: Sun Aug 31, 2003 8:54am Post subject:

[quote](#)

ISSUE #10:Chapter 92F / Uniform Information Practices Act

All PEG corporations should be contractually obligated to abide by Chapter 92F / Uniform Information Practices Act (**Open** Records law <http://hpam.hi.net/HRS/hrs92f.html> ). Both the Office of Information Practices and the State Attorney General's office have agreed that PEGsin Hawaii should be required to abide by HRS Chapter 92f.

Option 1 provided under this **Issue** is totally out of the question. It is a minimal burden or expense for PEG access centers to post all documentation that is already created in electronic format on their website. In the past with only an \$8,000.00 annual publications budget 'Olelo somehow managed to provide interested board attendees and clients with copies of quarterly and annual reports, audits, budgets, board Initiatives and the like.

Today, with publications budgets being as much as \$150,000.00 a year, you would think there would be even more information available. Unfortunately the opposite is true and it appears those funds are being used for self serving purposes by members of the board and administrative staff.

Board Committees & their definitions, and check writing and contract limitation have also been removed from 'Olelo's bylaws which need to be immediately reinserted.

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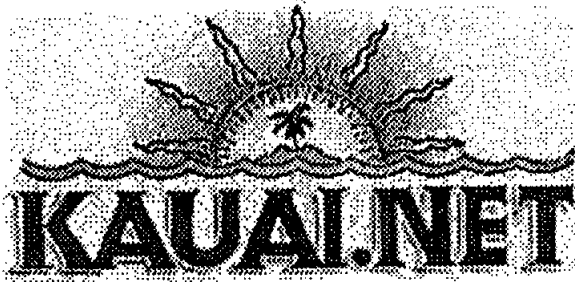
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### ISSUE #11: Daily operational procedures - Responsibility...

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Author

Message

**Comment on draft PEG**  
F R

**Posted:** Mon Jul 21, 2003 1:33 pm **Post subject:** ISSUE #11: Daily operational procedures - Responsibility ...

[quote](#)



Joined: 18 2003  
F 19

**ISSUE # 11: Daily operational procedures - responsibility of each PEG** (Click here to review - ISSUE

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**Nendy Arbeit**  
F

**Posted:** Fri Aug 22, 2003 3:14 pm **Post subject:** and DCCA's responsibility?

[quote](#)



17 Aug 2003  
F 22

Quote:

"Although the DCCA recognizes the unique needs of all Four PEG access organizations, it strongly encourages the implementation of daily operational guidelines that address certain significant issues."

Oieio has guidelines -- that it implements in a discriminatory manner. That includes programming, equipment availability, abiding by disclaimers and other paperwork producers must sign, and things political. DCCA CATV has been made aware of this whenever it occurs (which is Frequently). It has done nothing to date. What does it propose to do to insure that the PEGScarry out this "responsibility"

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**digitaleye**  
Prolific



Joined: 19 Jul 2003  
posts: 28

Posted: Sun Aug 31, 2003 8:57 am Post subject: **11: Daily operation procedures, responsibility of each PEG** [qu](#)

Operating Procedures on Oahu are 60 plus pages, the neighbor island's are about 1/3 that size. 'Olelo does not Follow its own Operating Procedures and only applies them "on a case by case basis". Having the same operating procedures and Forms consistent statewide will not stop the use and abuse by access administrators. Without an impartial body to approve and track equitable administration of those rules, the inequity will continue.

see also: responses to Issue # 8  
<http://kauai.net/phpBB2/viewtopic.php?t=357&sid=cd2d543159643e79ac34c606b145e293>

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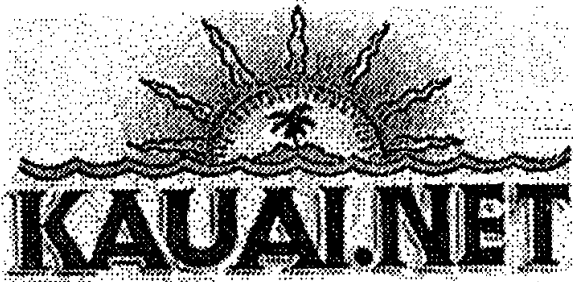
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### ISSUE #12: Development of technical standards

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Author

Message

[Comment on draft PEG plan](#)  
 Regular



Joined: 18 Jul 2003  
 Posts: 19

Posted: Mon Jul 21, 2003 1:33 pm    Post subject: **ISSUE #12: Development of technical standards**

**ISSUE #12: Development of technical standards** (Click here to review - ISSUE #12)

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WendyArbelt  
 Prolific



Joined: 17 Aug 2003  
 Posts: 22

Posted: Fri Aug 22, 2003 3:15 pm    Post subject: yes

A uniform set of standards is most desirable.

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**CCaroBain**  
HyperActive



Joined: 05 Jul 2002  
Posts: 57

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Posted: Sat Aug 23, 2003 6:58 am Post subject: standards

[quote](#)

All PEG facilities need to keep in mind whom they are serving: The Public.

For videotape submission, for instance, make it easy for the average person. Don't demand expensive tape formats, excessive forms and prohibitive standards. I believe all PEG's except 'Oleio for some strange reason, allow VHS format, with short presenter tags at the end.

PEG access is NOT PBS - nor should it ever strive to be.

I have worked at PBS stations and met engineers with very high broadcast standards who would stop a program from airing unless very strict technical standards were met ☹...this is simply not necessary for the audience PEG services.

Remember, it's the "Speakers" PEG primarily serves...not the "Viewers". Yes, the audio must be audible and the message should be viewable, but if it's a big grainy or not perfect, that is OK.

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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**cdigitaleye**  
Prolific



Joined: 19 Jul 2003  
Posts: 28

[profile](#) [pm](#) [email](#) [www](#)

Posted: Sun Aug 31, 2003 8:59 am Post subject: ISSUE #12: Development of technical standards

[quote](#)

PEG access centers should be required to be purchasing cutting edge technology, not 5 year old technology. Our legislative committees have failed to support measures that have come before them that could have mandated this. Perhaps legislators' short sightedness is partially due to their awe at the special facilitation they get from 'Olelo that is not provided in the same "first come, non-discriminatory" manner to their constituents.

I have suggested for many years that PEG boards at least have a Technology Committee and I still get the same response, "that's a good idea".

We know where there's a will there's a way. Have the Cable Advisory Committee mandate the standards to facilitate their will.

see also: responses to Issues #8 and #11

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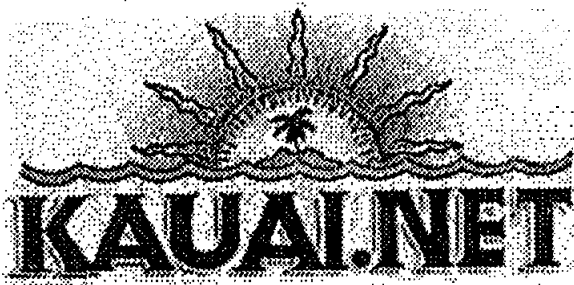
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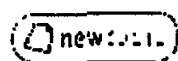


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### ISSUE ~~#8~~ Review of connectivity (PEG Network)...



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Author

Message

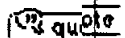
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Regular



Joined: 18 Jul 2003  
Posts: 19

[Posted: Mon Jul 21, 2003 1:34 pm](#) [Post subject: ISSUE X13: Review of connectivity \(PEG Network\) ...](#)



**ISSUE #13: Review of connectivity (PEG Network)**  
currently provided by TWE @ (Click here to review - **ISSUE #13**)

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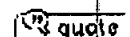
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[Carol Baln](#)  
[HyperActive](#)



[Posted: Sat Aug 23, 2003 7:07 am](#) [Post subject: connectivity](#)



The time to review connectivity was during the last cable franchise renewal. Good luck doing it now.

On Kauai, I do recall that the past cable company manager, Bill Harkins, told me he offered to connect the County building for G access...no one ever replied

Joined: 05 Jul 2002  
Posts: 57

according to his comments to me. I never directly inquired with the County Clerk, but I don't see why they would not want to be connected.

Of course, last year during the last franchise buy out by Time Warner Oceanic cable fired him. He was one of the biggest supporters of true cable access...maybe that was why he was fired...? We will never know.

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Wilkie

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digitaleye  
Prolific



Joined: 19 Jul 2003  
Posts: 20

Posted: Sun Aug 31, 2003 9:07 am Post subject: ISSUE #13: Review of connectivity currently provided by TWE

[quote](#)

**Why review only the PEG network and not include the I-NET which is available to E & G but not available to the public?** A comprehensive list of all connectivity acquired through franchise agreements to date should be posted on DCCA Cable Television Division's website.

**If there were a centralized statewide PEG video server accessible to all island AOL Time Warner cable companies, I would think it would not only save money for AOL Time Warner, thus their subscribers, but would also save money and time for the PEG corporations and money and time for content providers in providing duplicate program tapes.**

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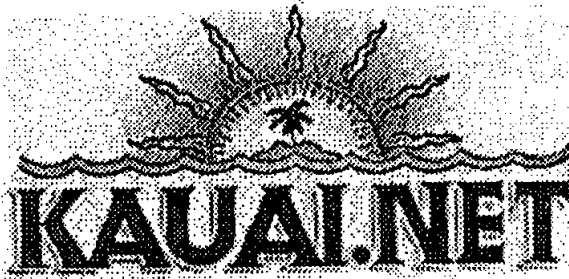
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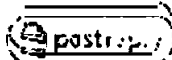
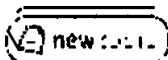


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### ISSUE #14: Programming (CSPAN for Hawaii)



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Author

Message

Comment on draft PEG Plan  
Regular

Posts: 19



Joined: 18 Jul 2003  
Posts: 19

Posted: Mon Jul 21, 2003 1:36 pm Post subject: **ISSUE X14: Programming (CSPAN for Hawaii)** [quote](#)

**ISSUE # 14: Programming (CSPAN for Hawaii)** [Click here to review - ISSUE #14](#)

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Carol Bain  
HyperActive

Posts: 19



Posted: Mon Jul 21, 2003 2:14 pm Post subject: **CSPAN** [quote](#)

The cable industry provides a fine service of programming called CSPAN and donates the channels for CSPAN & CSPAN2. I enjoy CSPAN and know it is **operated** and funded by Cable TV owners. It does not use government mandated franchise fees or PEG channels. If the monopoly Oceanic Time Warner Cable wants to provide an additional service called CSPAN Hawaii they are free to do so, **but not**

Joined: 05 Jul 2002  
 Posts: 57

with PEG franchise fees or PEG channels. ☺

Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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digitaleye  
 Guest

Posted: Mon Jul 21, 2003 3:35 pm Post subject: Programming (CSPAN for Hawaii) [quote](#)

HI-SPAN sounds like a good idea and I agree that Oceanic Time Warner (Oceanic TV) should donate the channel, but that will probably never happen because C-SPAN now has 3 channels and Oceanic TV only carries C-SPAN 24/7 and C-SPAN 2 till 4 pm. They have yet to provide C-SPAN 3 at all.

If a HI-SPAN channel were to come into existence the state legislature could mandate KHET to carry it LIVE on the new channels they will have once they convert to digital with the 2 million dollars allocated by the state. This would be a good exchange for that 2 million plus the almost 20% of franchise fees they collect from all islands. Of course the legislature would have to come up with more funds for "Capitol TV" if they could provide more programming to fill the extra channels. ☺

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Ed Coil  
 HyperActive

██████



Posted: Tue Jul 22, 2003 8:32 am Post subject: Your Boondoggle is on the way [quote](#)

Quote:

Some members of the community have identified a need for more civic affairs programming including State and County legislative, executive and judicial proceedings, as well as community based activities such as neighborhood board meetings.

These "members of the community" wouldn't happen to be members of access boards and their state funded employees would they? ☺

Quote:

The goal is to provide statewide distribution of civic / public affairs television programming as a means to encourage democratic participation and public interest through cablecasting. This endeavor will require the commitment and cooperation of many organizations including coordination of their resources.

I thought this type coverage was the responsibility of the G channel? With the exception of Neighborhood boards (which should be produced by the public for airing on the P channel) everything cited above is a governmental process and the government should already be committed to encouraging democratic participation in these processes. Instead of throwing out good money after bad the question should be "why isn't this type of programming already being done by the government?"

Joined: 04 Jul 2002  
 Posts: 208  
 Location: Here Now

**Quote:**

:There are many alternative approaches to accomplish these objectives, such as the expansion and enhancement of "G" programming currently provided by each of the four PEG access organizations.

That makes sense to me with increased government funding to outsource the production to competitive bidding by video professionals.

**Quote:**

Another option which has been suggested is the creation of a separate, independent non-profit entity which would produce and distribute public affairs programming in Hawaii, similar to what CSPAN does on a national level. This non-profit would be responsible for managing the creation and distribution of public affairs programming on a statewide basis. A source or sources of financial support would need to be identified. Also, there are issues concerning channel capacity which would need to be addressed.

This "CSPAN for Hawaii" sounds like a boondoggle idea from the access organization boards and their state funded employees attempting to distance themselves even further from the public they serve and their mission of turning passive viewers into active speakers.

CSPAN is voluntarily funded by cable television industry and receives no government or government mandated funds. It is not public access since the public does not produce nor exert editorial control over content. State mandated PEG monies should not be used for this purpose. If C-SPAN is the model then the source of financial support and channel capacity should be the monopoly cable television industry in Hawaii - Oceanic Time Warner Cable. If OTWC wants to voluntarily fund a CSPAN Hawaii as part of being a good corporate citizen that would be an excellent contribution to the community.

Ed Coil - Asking questions is a human right!

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**Nendy Arbelt**  
Prolific



Joined: 17 Aug 2003  
Posts: 22

☐ Posted: Fri Aug 22, 2003 3:24 pm Post subject: double dipping?

[quote](#)

**Quote:**

Programming (CSPAN for Hawaii)

If there were extra dedicated channels donated by Oceanic, and if production services were procured by competitive bidding, and if funding for this increased coverage of official government meetings did not come out of the "public" part of the PEG pie, this would be desirable. But wait a minute...Isn't this what the Group of PEG access is supposed to be doing already?

[Back to top](#)**digitaleye**  
ProlificJoined: 19 Jul 2003  
Posts: 28[profile](#) [pm](#)

Posted: Sun Aug 31, 2003 9:09 am Post subject: ISSUE X14: Programming (CSPAN for Hawaii)

[quote](#)

More Government sector programming would be good, but not IF it displaces **even** more Public sector programs on a discriminatory basis or if it results in **even more** funds being mandated for Government use with still no mandate For the Public sector.

I see no need for a separate non profit entity to Facilitate a statewide C-SPAN **like** network, but perhaps a volunteer commission comprised of members of each potential government program grant awardee and members from the public sector on each island involved in production of civic issues oriented programming. **There** would of course be some debate as to programming importance which could be open and easily facilitated by an online discussion Forum. The Forum interaction could be closed to the volunteer commissioners, but all their correspondences would be visible to anyone interested. Public comment could be provided for via email and/or a separate but connected online forum.

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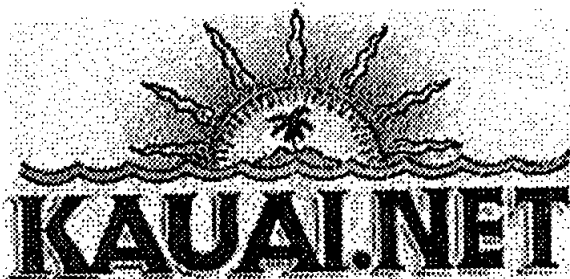
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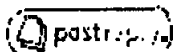
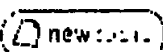


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### **ISSUE #15** Resolution of complaints concerning PEGs



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Author

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Comment on draft PEG plan

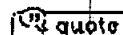
Regular

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Joined: 18 Jul 2003  
Posts: 19

Posted: Mon Jul 21, 2003 1:37 pm Post subject: **ISSUE #15: Resolution of complaints concerning PEGs**



### **ISSUE # 15: Resolution of complaints concerning PEGs**

(Click here to review - ISSUE #15)

#### HOW TO COMMENT

- (Click) Read other people's comments (below)
- (Click) press the POST REPLY button (above left), type your comment and press the SUBMIT button. To send your comment directly to DCCA cut, paste and email your comment to: <mailto:cabletv@dcca.hawaii.gov>

You are invited to become a member of Kauai Net. Kauai Net Membership allows even greater citizen participation. And like speech it's FREE 😊 Members can:

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- (Click) And of course MUCH MORE 😊

To become a member Click the REGISTER option in upper right hand corner of page, fill in the Form and LOGIN (see FAQ for details. **NOTE:** Your email & other information will not be disclosed without your authorization.

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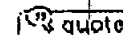
digitaleye  
Prolific

1



Joined: 19 Jul 2003

Posted: Fri Aug 01, 2003 6:51 am Post subject: **ISSUE 115: Resolution of complaints concerning PEGs**



"The appropriate resolution of complaints by the PEGs is a factor taken into account by the DCCA in evaluating the performance of each PEG. "

Quote:

Posts: 28

the majority of complaints to date have been bylaw violations by the board and self serving behaviour by both the board and administrators. Apparently DCCA and the PEGs feel "the appropriate resolution" is to change the bylaw(s) in question because the PEGs say they are too ambiguous. By the following definition you can see that the word "appropriate" could easily be misinterpreted by the PEGs &/or the DCCA so perhaps a less ambiguous, community based term should be used in place of "appropriate" like "pono".

From Webster's Revised Unabridged Dictionary (1913) (web1913)


Appropriate\Ap\*pro"pri\*ate\, v. t. [imp. & p. p. {Appropriated}; p. pr. & vb. n. {Appropriating}.] 1. To take to one's self in exclusion of others; to claim or use as by an exclusive right; æt let no man appropriate the use of a common benefit.

2. To set apart for, or assign to, a particular person or use, in exclusion of all others; -- with to or for; as, a spot of ground is appropriated for a garden; to appropriate money for the increase of the navy.

3. To make suitable; to suit. [Archaic] --Paiey.

4. (Eng. Eccl. Law) To annex, as a benefice, to a spiritual corporation, as its property. --Blackstone. [b]

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Guest2  
Guest

Posted: Fri Aug 01, 2003 7:56 am Past subject: really?



Of course bylaw violations and self-serving behaviors need to be addressed seriously and not just by changing the rules or ignoring them.

Note: It appears from public records that these are issues more for some island than for others.

However important they are, one doubts that these sorts of ethical complaints are more than a tiny fraction of complaints received by PEGs.

Other important questions might include how PEGs address specific types of complaints, such as viewer complaints about programming on channels and on-line like political content, privacy issues, adult content, slander, commercialism, low quality picture or sound, etc.

Is consumer advocacy about cable TV service part of the PEG mission? If so, then customer complaints are part of the equation. What about complaints regarding cable TV operators billing practices, or their particular use of the public rights of way?

There are many different kinds of complaints that need to be addressed in order to serve the PEG mission. It doesn't appear that DCCA's cable office has any role as a consumer advocate - if they do, it's time to audit that function.

What about complaints from elected officials, political insiders, established institutions and those who bankroll campaigns, about their loss of influence because PEG'S are doing their job! Empowering the community's voice changes the historic structure and diminishes power for the few in favor of the many. Surely

the **PEGs**hear those complaints too.

Seems as though **PEG'S** response to the last question is the true test of community access **T.V**How will they stand up for the disenfranchised?

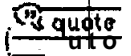
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Carol Bain  
Hyper Active



Joined: 05 Jul 2002  
posts: 57

Posted: Fri Aug 08, 2003 9:51 am Post subject: complaints



these 3 showed up to speak again the police were called and they were threatened with trespass on private property.

Calling on uniformed police, who's police report shows the investigation found absolutely no threat or disruption, is extremely bad policy. ☹

There was no grievance or complaint procedure...though they had a procedure in writing, none was followed. In fact, I attempted to find a mediator and the president of the board cancelled at the last day. The second attempt at mediation was refused again. DCCA refused to assist.

After about year, I found out 2 of the people terminated were send a letter saying they were no longer terminated.

This is not a good complaint procedure. PEG access needs a CACto oversee this entire issue.

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Carol Bain

"Freedom of the press is the staff of life for any vital democracy." quote by Wendell Willkie

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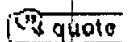
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digitaleye  
Prolific



Joined: 19 Jul 2003  
posts: 28

Posted: Fri Aug 08, 2003 3:56 pm Post subject: ISSUE #15: Resolution of complaints concerning PEGs



Issue # 15 states:

"To accomplish this objective, DCCA will relay complaints to the **PEGs**and request a copy of the responses to those complaints.

The appropriate resolution of complaints by the **PEGs** is a factor taken into account